

T O T H E
 Right H O N O U R A B L E the L O R D S
 O F
 His M A J E S T Y ' s
 Most Honourable Privy Council.

The Humble Petition of *Denys Rolle*, Esq; setting forth the Hardships, Inconveniencies, and Grievances, which have attended him in his Attempts to make a Settlement in *East Florida*, humbly praying such Relief, as in their Lordships Wisdom shall seem meet.

Your Petitioner humbly represents,

THAT in the Year, 1764, he formed a Plan for the settling two Plantations in the Southern Part of *North America*, one on some River that might be found running into the Bay of *Mexico*, convenient for the *West Indian* Trade; another on the *Alatamaha* in *Georgia*, emptying itself into the *Atlantic Ocean* for the *European* Commerce, as far up the said Rivers as Navigation would permit, in order to possess the shortest Communication of Land Portage, for Commodities, of such light Weight, as could bear the Expence of it, rendered safe by preserving the *Indian* Friendship in the Establishment of a Trading Store-House, on the middle Spot of that Communication, with clear, express, and honourable Terms of Trade.

That being informed by the Lords Commissioners of Trade, a late *Indian Treaty* with *Georgia* precluded

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his settling so high up the River *Alatamaha*, he then fixed his Intention of finding out, if possible, a shorter, more probable, Communication in *East Florida*; he mentioned St. *Mark's*, and some other proper Place, to be searched for on the *Eastern* Shore. He also proposed that these Settlements might have some proper Judicature established within themselves, that might tend to preserve Peace and good Order, and prevent the Jealousy of Neighbours from injuring the Infant Settlements; but this was reduced to an Order for a single contiguous Lot of twenty thousand Acres, with Directions to settle two hundred white Persons in ten Years, one Third of which within three Years, Power of Re-entry on Non-performance of Conditions, Exception of all Mines whatsoever. A First Experiment, for the Insurance of future Adventurers, he found the Methods of Settlements unalterable, therefore objected no further to the Terms prescribed, but said he would accept it under those Restrictions, and would go and make the Attempt in Person.

That he embarked with fourteen People the 10th of *June* 1764, with some Imputation of kidnapping People for his Settlement, which induced him to wait on the first Lord of Trade, to represent the Necessity, he thought, of preventing Misfortunes that might arise to Families thereby, in the Privation of their Children, by some Enquiries and Bonds given to the Custom-House Officers, at the different Ports by Masters of Ships carrying Passengers. Though many Cases have appeared, and many more probably not known of such Losses, yet it did not either appear of such Importance to his Lordship, or the Provision, mentioned by him against it, seemed improper. It can be esteemed no Digression, from the State of his Case, to mention Circumstances attending his Voyage, a Reflexion on parallel or extraordinary Cases, within his Knowledge, Humanity he distrusts not will excuse. His Care, in the Provision for his Voyage, extended to the putting a Board two Puncheons and one Hogshead of Water, for his Fowls, &c. but a Deficiency in the Captain's Provision for the thirty-eight Persons a Board occasioned that

that Stock of his to be taken for them. The Mate mentioning there were twelve hundred Gallons on Board by Computation, he found it was two Quarts a Day for each Head, which is the usual Allowance for thirty-eight Persons for nine Weeks, which Time they happened to be in the Passage from the *Buoy and Nore* to *Charles-Town, South Carolina*; but by this bare Provision, after a prosperous Voyage, in the former Part of it, as far as the Latitude of our Port, or rather of the *Canary Islands*, we were put to the short Allowance of three Pints a Day, for the latter Part of it, a Deduction not so much to be dreaded in the Winter, as in those hot Months of Summer in a warm Latitude; but this seemed to be more inexcusable in the Mate, under whose Inspection probably the Stores were laid in, as he related that the very Voyage before, that he made to *Charles-Town* from the *Canary Islands* only, where they touched at, they were no less than fourteen Weeks, occasioned by Calms. Under what Distress then must your Petitioner's Settlers have been, in so long a Voyage, when they had but enough for three Pints a Day for twelve Weeks! the which Time he thinks no Ship can go to Sea properly for such a Voyage without laying in for the full Proportion of two Quarts a Day each Person, and Allowance for Leakage and bad Water, or rather at a Gallon a Day each. The above Want of Provision being in a Ship commanded by an elderly experienced Person, and of good Reputation, it is reasonable to conclude that these Misfortunes happen oftener than the Public hears of, Sufferings, not only the natural born Subjects of his Majesty, but those, that under the Hopes of partaking of the benign Influence of the Sunshine of Liberty, place themselves under his Protection more frequently are subject to. The *Palatines*, of whom the King's Baker, Mr. Meek, at St. Augustine, was one in a Ship bound to *America*, when he thinks that above half the Passengers died by the reason of the Non-provision, more especially of Water; which Circumstances are only to be equalled in the Distress of the *New York Ship Company* lately published.

That the arbitrary Power exercised by many of the Captains, appropriating the better Share of Provisions to themselves, and the Ship's Company, throwing Difficulties even on the Passengers, to obtain the Share they seem to allow, and often engross or even destroy the Extra Provision made by such Passengers, when they have more than sufficient, perhaps, for the whole Ship's Company and Passengers: The recent Instance of the Son of the first mentioned Captain, suffering his Crew to extort Money from his Majesty's Company of Artillery, now at St. *Augustine*, during the Passage to that Place partly drowning, in a peculiar shameful Manner, the Women Passengers attending them. These seem not only to deserve Reprimand but Punishment. It may be objected that the Law, salutary for Punishment, is open, but, if it is not at hand, many good Laws are useless. It is the voluntary Act of those People to become Passengers, their Prudence must dictate the necessary Bargain: But alas! no Bargain suggested by common Capacities can bind sufficiently; the short Stay of these Captains in their Port will not suffer the Law to take Place which requires Time for Execution, before which the Parties are separated by the Sea, and the Witnesses impossible to be drawn to a Trial. This the Delinquents consider and see that the Joy of the Passengers' safe Arrival, and Freedom from their Power, often intoxicates them to a Forgetfulness of their ill Usage, which, if they do reflect upon, they never foresee the Case may happen to them again, nor do they feel for others, who may fall under such Calamities, and, from Inability or Inconvenience, drop the Thoughts of a Correction. But to prevent the Foreigner, who flies for Liberty to this its Native Soil, the unhappy unprovided Orphan, the unfortunate Tradesman, the minute-portioned Branches of large Families, who seek their Bread in these *American* Wilds, and turn them to the great Emolument of the Mother Kingdom, there seems a Call, not only for the Protection of Government when there, but their safe Conduct to those Colonies, while under the arbitrary Dominion of the Tyrant Captain, which, as your Petitioner has collected
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modern Instances of, and himself experienced, may he presume to lay before your Lordships.

That *August* the 10th, he arrived at *Charles-Town, South Carolina*, when a Gentleman of Distinction Mr. *Wragg*, and his Lady, advised a Family of five Persons, the Father whom he relieved from a Prison here, to leave him and settle at *Charles-Town*, which they accordingly did, but however paid him for their Passage; another Servant he had hired by the Year was also seduced, the Justice of Peace explaining away a Provincial Law, which, though calculated for filling the Province with Settlers, yet took Care that Justice in repaying the Importer for the Passage Money might be observed; though advised, your Petitioner did not trouble the Lieutenant Governor on these Injuries, though he did him not only great Honour, but shewed him Marks of Civility and even Kindness. He married one of his People, and thereby gained two to recompense his Losses by Seduction, and embarked for *St. Augustine* in *East Florida*, when the Governor received him very politely, and was entertained daily by a particular Invitation every Morning. His intended Passage by Land to *St. Mark's*, was prepared for, but, the rainy Season at the Equinox commencing, all Enquiries concerning *St. Mark's* furnishing no Knowledge, the Passage which no Person had hitherto undertaken for 240 Miles through a Country inhabited by the *Indians*, with whom no Conference had been held, exhibited at length to him Difficulties and Dangers which though he might run himself into, yet could not answer to his own Conscience the engaging his poor Settlers in; after these Reflexions, a *Leading Question* by the Governor, one Day before Dinner, drew the Intimation from him of the above Opinion, with Request to set down with his Settlers on the River of *St. John's*, where the Governor had consented to permit two young Gentlemen who came over with him, to take up their Rights of a hundred Acres each, according to the Rules of Settlement, and which he intended, as a Commencement of his Settlement on the *Atlantic Ocean*, to correspond with the other at or near *St. Mark's*. This drew on an im-

mediate severe Reprimand from the Governor, with a Declaration of his Intention to make a strong Representation to the Board of Trade against him, for *altering his Intention*. Your Petitioner sat silent! The Governor, recollecting himself, said it was true that the King's Order gave your Petitioner Liberty to set down in any Part of the Province. He might go to *Picolata* Fort on *St. John's* River, about twenty-five Miles West of *St. Augustine*, where a Serjeant and eight Men were stationed, and set down under the Protection of the Fort. That Mr. *Greenan* of *Augustine*, Register and Naval Officer of the Province, who at this Time acted as Secretary to the Governor, made your Petitioner an Offer of a Boat to send his Utensils, Victualling, and other Necessaries, to *St. John's* River; which was accepted of, but the next Day, on your Petitioners mentioning the Offer at the Governor's Table, a certain Discountenance appeared in Mr. *Greenan*, and no Boat was forth-coming; on *September* the 27th, he commenced his Journey, and set down then at a small Distance off the Fort, but he found that the Industrious would soon loose their good Disposition for Cultivation in that Neighbourhood, and making any Inclosures under the Cannon was said to be Shelter for the *Indians*; that the Guard must have a clear Sight all round the Fort: He therefore considered, that, being out of Gun-shot, they were as liable to the Injuries from the *Indians* as if further off in the Woods. Though your Petitioner now received the News of the Loss of his Boat which he had bought, in which your Petitioners Servants were bringing Provisions, Tools, and other Necessaries, on the Bar of *Augustine*, and finding his Endeavours at this Place would be rendered ineffectual, he borrowed a Boat, and proceeded with all his People up the River on the 8th of *October*, and landed on a Spot about twenty-five Miles above, where the Bank is considerably elevated above the Level of the River, or as termed there a high Bluff, where formerly, perhaps eighty or a hundred Years since, a *Spanish* Settlement had been. This is the Place where his Settlers still continue. In a few Days two of his People attempted to find out *Augustine*,
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where they arrived after five Days laborious Search; which became absolutely necessary, from the small Provision (through the loss of his Vessel) he had with him and the Uncertainty of the Dependence on his Hunter for Game; by this means a Path was struck out from St. *Augustine* to the most valuable Lands on St. *John's* River.

That, about eight Miles above the Place he resided at, there was a Store or Trading House settled for the *Indians*, kept by one Mr. *Spalding*, whom he requested to inform him when any of the principal *Indians* were there, to desire a Conference with them. On his Information the Second of *November*, he immediately went up thither, and met some of the principal Men of the nearest Tribe, at *Latchaway*, which is about fifty Miles West-Northerly from him. They objected at first to the White People's settling any Lands, discovered a Jealousy that he was going to erect a Castle, and that they heard that there were several Castles to be built throughout the River. He told them he was certain there would be none built, or any Thing else, till a Conference had been held by the Governor with the beloved People of the *Creek* Nation. As for himself, he should not, that the Great King had permitted him to come into that Country to seek for Land to raise Rice on, which the Land on the other side of the Great Lake would not bear; that, if they would permit him to stay where he was till the Conference (*Talk*) was held, he might at present only raise a little Garden, and hunt for Provision; that, if agreed to permit the Great King's People to settle, they would find him always friendly, and endeavouring to be of Service to them; but, if it was not consented to at that Conference, (*Talk*) he would burn up his Hutts, and go away with all his People. They then said they believed what he said was true; as to the Castles, it was a false Report, and that they would consent to his staying there; he then returned to his little Colony in Confidence of Safety.

That your Petitioner received a Letter from Mr. *Gordon*, of *Charles-Town*, *South-Carolina*, then in St.

Augustine, dated Nov. the 5th, 1764. informing him that he had heard, since he arrived at that Place of his Settlement, that he had, in the Year 1763, purchased all the Lands on the East-side of St. John's River (except a Tract three Leagues in Front next below *Picolata*) from the Mouth thereof to about the Latitude of 29, and also on the other Side from the said Latitude as far North as the *Rio Blanco*, about four Leagues below *De Popo*; presumed he had unknowingly set down on some of those Lands, and desired an Answer of his Resolution. His Answer of the 21st of *November* signified that the Board of Trade had told him the prior Sales would not stand good, and that the Governor had also told him his Orders were to disregard them, and also referred him to the Governor, by sending this Answer open to Mr. *Bullemore*, his Agent at *Augustine*, to shew it to the Governor, who, being highly affronted, would not see the Letter nor receive any Messages, but told your Petitioner afterwards that *Bullemore* was an exceptionable Person.

That, some time in this Month, some Soldiers from *Picolata* came up to his Settlement, and, on their Return in the Night, carried off a Smith and his Wife, whom he was at the Expence of marrying and bringing with him from *Charles-Town*; they afterwards went to *Augustine*, where they were provided for by being placed on the Island of *Anastasia*, to tend Persons in the Small-Pox, perhaps in order to render his Endeavours to procure their Return ineffectual. Major *Ogilvie*, the Commanding Officer, to whom he had complained by Letter of this Behaviour of the Garrison of *Picolata*, answered it in the politest Manner, and intimated an Intention to inflict a severe Punishment on the Delinquents; but which he requested to reduce to a severe Reprimand only, which when he was at *Augustine* soon after, and that Officer made him an obliging Visit, he again repeated.

That two young Gentlemen, one who had been in the Army and the other in the Navy, who came over with him, with Intention of settling, enticed with the
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Dissipation at *Augustine*, and disliking the Inconveniences attendant on the first Settlement of a Colony, unhappily averse to the Confinement within the Bounds of sober Regulations, had retired to *Augustine*, where too much Encouragement was given them by those who wished ill to his Settlement, to procure it's Disparagement; which turned to the Ruin in the Sequel of the two Youths, when every Provision necessary for a comfortable Life would have attended them, had they staid. The one found his Way back to a Prison in this Metropolis, the other supplied through his Hands, by the Generosity of Mr. *Onslow*, with necessary Provision, &c. at a Place ninety Miles lower down the River, by the Conversion of which into Rum, he imagines from Experience at last has died a Martyr. His Recommendation to the Governor, to prevent it, had not it's desired Effect, though the least Word suggested by him at his Table, where the whole Corps of Officers were entertained in the Course of every Week, would have had it's due Influence. In this Month of *November*, the last Week, Lieutenant *Sweetenham*, of the Garrison of *Augustine*, came to his Settlement, when he entertained him agreeable to his Rank, and his own Abilities, and observed a very particular Enquiry he made of your Petitioner, after his Surveyor, a Person he had taken to inspect and measure Land, and was then in his Service, he answered he was gone from Home; about an Hour afterwards the same Enquiry being made again, he gave the same Answer, and added, he thinks, to a Question where? that he was gone on *his* Business; an Hour or two afterwards the same Question was repeated, and the same general Answer given. Mr. *Sweetenham* then went up to the above-mentioned Shore, and next day *November 28*; your Petitioner set out for *Augustine*, where he arrived on the 29th, and waited on the Governor to relate his Situation, and the good Agreement with the *Indians*; he likewise shewed a Draught of the River *St. John's*, as surveyed by his Surveyor; discovered his Inclination to a Spot of Land on the other Side of the River, opposite to where he lived; but he did not know

know whether that might be within the Power of his Excellency till after the *Indian Treaty*, lest the River might be the fixed Boundary, or if the Grant of the Governor of *Carolina* had disposed of it. If so, whether he might chuse a Spot twenty-five Miles above on the same East-side of the River he resided on. He had seen it, described the Scite; that the Length of his Tract, according to the prescribed Rule of running Land, would be nearly about nine Miles three-quarters in length, by three Miles one-ninth in Breadth; the Length he imagined would reach beyond a considerable navigable Creek, which he met with in his Traverse, and, as he had heard, not permitted by the Rules in *Georgia* and *South Carolina* to be passed, and that in that Case, where he might be supplied with his Quantity, whether swell in his Breadth, or take in any Corner or Slip of Land adjoining to make up his full Quantity of 20000 Acres. The Governor did not seem to resolve any thing — then said that was improper; asked him what sort of Land it was beyond the Creek; he told him it did not look like good Land, but he had not been over to examine it; he seemed then to reason that he must pass the Creek, to obtain any full Length, if he made Choice of that Land.

That a Person who had fourteen Head of Cattle, made your Petitioner a voluntary Offer to sell them to him, and a Bargain was made by his Servant for nineteen Pounds, every thing settled as to the Delivery, Payment, and the Seller's Assistance to drive them to your Petitioner's Plantation; which Bargain was not concluded at any improper Time, of the Party in Liquor, or such-like Situation; it was confirmed on a second and third Day. He set out for his Plantation, and left Money to pay for them, and his Servant to bring the Cattle; but the Seller first declined Assistance to drive them out, on Account of some Business, and at length refused to deliver them.

That he returned to his Settlement the following Noon, *December* the 2d; on the Road met several *Indian* Warriors going to wait on the Governor; he found they

they had been at his Settlement, and were accommodated by his People in his Absence. On their Return from *Augustine*, they came again to his Settlement, and were set down to repose themselves for the Night, at the Place where his Boats usually land, and where he has since built a Hut or House for their Reception, which was but a few Yards from his Tent, wherein he at that Time lived; he went to them, and sat and conversed with them, and afterwards sent them Provisions for their Supper. He perceived they had been regaling themselves on the Road with some Rum the Governor had presented them with, and which they drank deeply of during the whole Night, when the Family by their Singing, Dancing, and Hallowing, were kept chiefly awake. This is what he is obliged to be careful over his own People, in using every Caution to prevent Intemperance therein; yet, to *Indians*, he is obliged to prohibit it, as it might endanger his whole Settlement; however the *Indians* did not come to him till the Time of Rising, when one of the Warriors (*Philoki*) came to his Tent, when he was still in Bed; and spoke to him, though in a freer Manner than at any Time since, being much heated by Liquor, but all in good Temper, desiring his Boat to convey them over; on which he got up, and gave Orders for it. The *Indians*, scarce able to stand, straggled through his Tent, where all his Utensils, Goods, &c. lay open, of which he asked them, whether they wanted any Thing; but, in the greatest good Humour and Sincerity, said no, acknowledging they had had too much of the Rum, it was too good and affected their Heads; he got all of them over the River, except one, the long Warrior, (a Warrior at the Time that General *Oglethorpe* was in *Georgia*) who was too much intoxicated to go, and whom, after Sleeping, he entertained in his Tent, and gave him some Coffee to relieve him of his Head-ach; and he staid the whole Day, and he put him over the River the Day after. At different Times he saw some of these same *Indians*, and several others who came to his Plantation as he might call it then, having some Thoughts one Day or other it might arrive to such in Reality;

Reality; and had made a little Garden, and was proceeding for a Crop, on such good Agreement with the Natives. The Warriors or Head-men dined at your Petitioner's Table, the others he sent Provisions to. They often hunted for him at his Request, sometimes brought him Presents of Venison, Honey, Bears-meat, Buffeloes Tongues, Bear-skins, Sieves. His Refusal of Rum to them was founded on a Treaty he had read of, wherein the *Creeks* had desired the Prohibition of this Commodity, to prevent Quarrels amongst their young Men and the Whites, that might end in War; and, though several saw two Casks of Rum, of above one-hundred Gallons each, landed at his Settlement, for his own Use, at one Time, yet if the Question was for Barter with Skins, &c. for it, yet *his Reason* that, while sober, they were Men, and the *Creeks* and white Men were friendly, and knew one another, yet when Rum came we knew not each other; but it made us Women, and we quarrelled and fought with one another, and therefore, though your Petitioner had it for the Use of his People in their hard Labour, to drink with Water, yet they must not have any.

This did not disoblige them: Those that dined at his Table, after Dinner, he used to open a Bottle of Port Wine, perhaps for them, when two or three Glasses were the most he helped them to, and it sufficed. One or two of those who brought their Women or Squaws with them, permitted them to set at his Table, a Favour their natural Jealousy did not usually encourage as he has heard, and two of the Women belonging to one of the Warriors who is come to settle near him, since he settled there, have come down by themselves in a Canoe, bringing some Presents, and have staid the whole Day, with your Petitioner without raising any Jealousy in the Men.

That he acquainted the *Indians* that Rum was an unnecessary and dangerous Merchandize, yet a Trade of such Things, as they should want in Barter, for such Commodities, as they had, he would encourage on the most honourable Terms. This was also founded on an old Treaty at the same Time with them,

them, when sealed Weights and Measures were to be sent up to their Towns. Every Dealing of his should be as open as possible, with the Understanding clear, and and Heads free from Liquor. That their young Men should be instructed in our Language to prevent Frauds. For this Purpose he spent much Time, with them, to convince them of the Utility of his Proposals, and, as far as possible and permissible, to put the same in Practice, having taught them the Method of weighing with the Stilliards, and measuring by the Yard, not without instilling the highest Notions of the *English* Power from the Conquests of the late War, of their Justice and Generosity from the late Peace which he could convey the Idea of, from the Exhibition of the Views and Sections of Men of War and Maps. He fell not far short of his Hopes and Ends in this Undertaking. He found them his Friends when intoxicated with Liquor, as well as when sober; he found a Respect in both Situations, which must proceed from the Heart; an attempt however vain it might be thought, yet small Obstacles appeared to prevent it's Progress towards the Civilizing them, which an Instance, or two, of what fell out, some Months after this, may help to elucidate. Several *Indians* of the meanest Rank, some of which had been perhaps, or had heard others relate, having been, on a *Saturday* Night, at your Petitioners Plantation, and have been going away on a *Sunday* Morning on their hunt; where he has signified to them, that it was the Day the Whites addressed the Being above, who thundered, to send us what was necessary for us, whereby they saw we never wanted; they have answered, must we stay? to which he said, yes, he would have them, when they have staid the whole Service, with the utmost Decency and Gravity. This probably had the following Effect on some of these *Indians* who had been to *Augustine*, and though he had but just before heard of the Governor's Praise of your Petitioners Order, in respect of Rum, towards them, yet these came full freighted with the Governors unhappy present of that Liquor to this Settlement on their Return. Of which they regaled, as also the others before-mentioned,

mentioned, the whole Night; being in a very gay Mood, they went to the other End of his Town, and assaulted the House of one his Settlers, where two young Lads were that were his Interpreters; on finding the Door shut, broke it open; but it was only to get the two Lads to come and drink with them, which they did for a small Time. That Night about Ten o'Clock, as he used to say Prayers to his private Family, before he went to Bed, in the Middle of the Prayers, as his Face was towards the Door of the House which was open, he saw the *Indians*, and knew how much intoxicated they were with Liquor; but they did not offer to come up the Steps into the Room; seeing, as he supposed, the Family on their Knees, and knowing, from what he mentioned above, the Meaning of it, till he had done, and rose up, which might be five or six Minutes after he first saw them; when they came in with their Bowl of Punch, but all in a merry chearful Temper, and offering him to drink, which he did in two Rounds of their Bowl; he expressed his Friendship for them, and gave them to understand by Signs, having no Interpreter, that they must stay in the Morning for him to see them, before they set out on their Hunt, till the Sun came to the South-East, and wished them a good Night; and they went away, and did not come to him any more the whole Night, which they spent entirely in drinking. The next Day they seemed rather ashamed of their having behaved so in their Cups: Some of them are Horse stealers, pass his Settlement, and go to *Augustine* and steal Horses, bring them to his Settlement, and go over the River, in his Boats; but, though your Petitioner has lost his Horses for two Months together, yet they never touched his, but have relied on his finding theirs when lost, as happened to four of them; and, if there was any thing intended ill against the white Men, he had their strict Promise they would inform him of it, which rendered him quite easy, at a Time when the Governor was in some Fear, on the Supposition that one of the *Indians* was lost or murdered at *Augustine*.

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That near *Christmas*, your Petitioner's Hunter, whom he had hired and kept at the Expence of three Pounds per Month, himself having the Profit of the Skins, and also his Provision and Drink, when at Home retired to *Augustine* for a Week, and he found out very accidentally by his own Confession, that he supplied that Place with Venison at your Petitioner's Expence, and, which the Governor himself could not but allow, he had furnished his Table with some. The Hunter keeping a Man who could not shoot about two Miles off from his Settlement, with two Horses to carry off from Time to Time the Venison he killed to *Augustine*, after this, your Petitioner determined to supply his Colony without such Assistance, only requesting the *Indians*, when with him, to hunt for him, or have the Chance of any Venison procured the nearest at hand by any of his Settlers, whom he did not chuse to encourage in a hunting Life, as he esteemed it a very idle one. But he supported them by much Labour and Expence, sometimes by his Horses bringing Necessaries from *Augustine*, and at others by his Canoe, at one hundred and fifty Miles Distance, and at length from *Georgia* by Schooners, hired on Purpose at the Value of twenty-five Pounds a Trip.

That on the *Christmas* Eve, his Hunter returned, and brought the Produce of his Venison, sold at the Metropolis in Rum, the effects of which discovered itself the next Day in the Settlers very apparently. He employed him now no longer, but however the Hunter kept his Horses still at your Petitioner's Settlement, killing and driving off the Deer in its Neighbourhood, and carrying the Skins and some of the Venison (for it must be understood of these kind of Hunters, that they destroy, for the Sake of the Skins, ten Times as much Deer as they make use of the Venison of) to St. *Augustine*, turning it into Rum, with which he supplied a Family at your Petitioner's Settlement every now and then, so as to enable them to keep a Public House, to the Ruin of the Industrious, particularly that Family, though consisting of a Man, his Wife, and six Children, either of which did not do the least Work towards raising

raising Corn, Garden Stuff, or any Thing for their Subsistence. This he related afterwards to the Governor, as he thought it required some Authority to restrain, as it was so injurious to his Settlement; his Answer was, if any Thing was done contrary to the Law of *England*, that was open, there was his Remedy. That was not adapted he thought, your Petitioner answered him, to the present Case; a Remedy could only be found in himself, his own Power; he asked your Petitioner what he would have him do? He replied, he could not presume to direct his Excellency in that Matter. The Consequence appeared some Months afterwards. The Horses were still kept there, sometimes breaking into his Corn Inclosures, and doing Damage to him likewise in that Way; some of the Settlers he thinks used these Horses, but paid the Hunter for the Use; during his Absence in *May*, his Agent had likewise used one to fetch Provision from *Augustine*, and proposed paying for the same, as the others had, and did not refuse; but what was the particular Reason he cannot assign, except the Irritation of Rum; one Evening the Hunter, being much in Liquor, was going up in a Boat to hunt on the Lakes above his Settlement, but, just before he set out, said to his Companion, he would go out in the *Pine Barren*, and kill a Deer first, he went out there, when two Negroes were sawing for your Petitioner; he asked them whether they were all alone? They said yes. Soon after they heard a Gun go off, and they saw your Petitioner's Cow's running in a confused Manner, and the Hunter came to them, and told them, in these Words: I have shot one of Mr. *Rolle's* Cows, and you may go and tell him so, and I will shoot all his Cows, and Horses, and Hogs, and himself; you are no Witnesses. The Negroes went in immediately, and came and informed him of it, and, when he sent to the other End of his Town, where the Hunter frequented, found he was set off in a Boat up the River, but, as he could not tell where, his Companion who used to carry the Venison to *Augustine* was examined, and it appeared he was to take the Horses up to a Lake about six Miles from his Settlement the

next

next Week, but a Person, that went with the Hunter in the Boat, intending to return the next Night, on which your Petitioner waited his Return, and, though he could not depend on him, yet his Agent, being appointed a Justice of Peace, swore him, and three strong Persons more, and sent them up in Search of the Hunter, with a Warrant to apprehend him; they luckily hit on the Place, in the Middle of the Night, and seized him in his Sleep, and brought him down and sent him to *Augustine*, where there was no Jailer to be found, and the Sheriff or Provost Marshal, who was one of the Governors menial Servants, seemed at a Loss how to act. None seemed expeditious in securing him, more seemed desirous of having him freed; however he was at last admitted into Jail, but the Attorney General wrote a Letter * to your Petitioner's Agent; though he could be the only Prosecutor of the Cause, yet appeared more in the Defence of the Delinquent, alledging the Warrant and Commitment was irregular, &c. as by the said Letter would more particularly appear. That your Petitioner having been at a considerable Expence, and having saved several Things out of his Boat, which was lost as before-mentioned, on his Agent on the 2d of *January* 1765, hired another Boat to bring the same round over the Bars to his Settlement, another Boat coming round at the same Time, with Goods belonging to a Store, whose Master being better acquainted with the Bar of *Augustine*, than the Person who had the Direction of your Petitioner's, set out first, in order to direct the other; the first Boat past the Fort without Obstruction, when the other, freighted entirely with his Goods, was stopped by the Officer then on Duty; who was Lieutenant *Sweetenham* above-mentioned, as he afterwards heard; and delayed so long, that the Tide was so far gone out, that, when they arrived at the Bar, the Boat struck on it and overset; whereby he lost every Thing, except a Barrel of Tar, the only Thing which came a Shore; the Master was drowned, and a free Mulatto saved himself by swimming a prodigious Length of Time. This Mulatto soon after

* Vide Letter, page.

went away to another Province, which prevented his Hearing of the Particulars from him; and his Agent, mentioned before as an *exceptionable Person* by the Governor, *declined* interfering in the Examination into the Reason of the Stopping of the Boat, but heard, that both of the Boats were alike open Boats; the first, not a Concern of your Petitioner's was not stopped, as the other, freighted with *his Goods* was; that the Master went a Shore at the Fort, and afterwards went to the principal Officer, Major *Ogilvie*, to relate the Circumstance; who disapproved of the Officer on Duty at the Fort's stopping the Boat, as both were equally to be esteemed open Boats going provincial Voyages, and never were to be stopped to be examined at the Fort. This Officer, Mr. *Sweetenham*, is the Person that was concerned in a Riot in *Georgia*; by which Mr. *Grover*, then Chief Justice, was superseded, but since restored to Honour. This Officer your Petitioner has heard the Governor mention more than once, as a Person he had a great Regard for, and knew not another whose Interest he should be more inclined to promote. Mr. *Lloyd*, your Petitioner's intended Overseer for his Plantation, arrived from *England*, and brought him Account, that probably a Ship with Settlers, &c. might be on their Voyage to *America*, on his Account; and, lest they should go round to *St. Mark's*, where it was supposed that he was settled, he had dispatched Letters to *Providence* and *Jamaica*, and other Islands, to stop her if possible, and order her to *St. John's River*, but which afterwards proved without Effect. When Mr. *Lloyd*, his Overseer, had waited on the Governor at *Augustine*, the Governor had intimated that several Petitions had been presented from his Plantation, with some Irregularity. These were dated the 15th of *December*, and had been sent at that Time, under Cover, directed by your Petitioner to Mr. *Dunnet*, the Secretary of the Province. As for the Irregularity in the sending of them, and the Non-application in Person, it was occasioned by your Petitioner's sending his Surveyor to the Secretary's Office, to know the particular Method or Form of Petitioning, and how it might be with the least Trouble and Expence to the
Petitioner;

Petitioner, where he had a written prescribed Form delivered him, and was acquainted, that there would be a Day appointed to take them under Consideration by the Governor in Council; at which Time only, there would be a Necessity of the personal Attendance of the Petitioner; and the Governor had mentioned to him before, that the Dates of the Petitions would be a Rule to him in granting when two happened to be presented for the same Spot, according to their Priority of Presentation. As this was the Information from the Office, and seemed to be reasonable, it was followed in the five Petitions sent in.

That the Secretary had promised your Petitioner's Surveyor, who was one of the Petitioners, that he should have Notice of the Day of considering Petitions. This was represented in a Letter of the 15th of *January*, and answered by the Governor on the 16th, wherein the personal Application with the Petitions in the first Place was insisted on; also an Intimation that no Addition whatsoever could be made to your Petitioner's Land, as having the Kings' Order for a Grant of twenty thousand Acres, and that his Proclamation extended only to induce other responsible Persons, who might be inclined to Settle; and that he should be very careful of the Persons, whom he should grant any Land to settle on. Your Petitioner heard afterwards that these Petitions were thrown under the Table, and with Declaration, that no Persons from your Petitioner's Settlements or concerned with him, should have any Grants of Land.

That, about the latter End of *January*, Mr. *Greenan*, Register and Naval Officer, made your Petitioner a Visit from *Augustine*, at his Plantation; he was much esteemed by the Governor, and often did Business for him, of the Secretaryship, when the Secretary Mr. *Dunnet* was ill; as he entertained him as well his Situation permitted, and shewed him his Intentions in his Settlement, and diverted him with a View of the neighbouring Parts of the Province; he is sorry to mention now a Circumstance which might reflect Dishonour on any body, but especially on such Gentlemen, who might be supposed to well discern the Laws of Hospitality. An old Man, his Wife, and Son, who came up to him.

early in his Settlement, the latter unhealthy and the two former rather aged; however the Father and Son were sometimes useful in supplying his Table with Venison; the Wife assisted in his Kitchen Business, where several Attendants were necessary, having a great Number to supply. They had unhappily a Daughter in *Augustine*, which had long before been a Prostitute, he may safely say so, as a Child of some Age, was the Fruit of it by a Sea Captain; but now was too far advanced in Prostitution, to afford an Augmentation to a Colony, by the Unfortunate Situation in a Town, where the small Number of Females occasioned much Divisions and Irregularity. The Child of this Prostitute inherited an ill State of Health from it's unhappy Parents, and was therefore esteemed a Burden to the Town in which it lived with it's Mother. Mr. *Greenan* endeavoured to enter into a Treaty with it's Grandmother above-mentioned; who was an Assistant in providing daily such Entertainment as your Petitioner could give that Gentleman at his Table, and whom, with her Husband and Son, he might be said to maintain already, as their Labour could not recompense him for their Living; treated with her, to take the Child to your Petitioner's Settlement, that he might have that additional Burden, as the Town thought it such, and, might relieve the Mother also from the Trouble of it, who might then be more at Leisure to follow her Occupation. Mr. *Greenan* also was desirous that a Boat-builder, who had retired from the Extravagance and Drinking at *Augustine*; and came to his Settlement for a more quiet and industrious Life, should go back to reside at that Place, which it was his own free Will, not your Petitioner's Decoying, that led him to quit; he also acquainted him, that he had some Timber belonging to him in his Possession, but the Boat-builder replied, that he should not return, and he did not regard the Timber at all. He also left a Wife there, which he could not much regard, having chose other People's Company, and who your Petitioner heard was in Mr. *Greenan*'s Service. There seemed to be a Desire also for a young Woman, who had come up from the
lower

lower Part of the River, to reside at his Settlement, to quit it again, and go to *Augustine*; but she was then indifferent in choice, and your Petitioner, soon after advised her to a Match, which she immediately complied with; under which Security, she still resides at his Settlement. However as it was supposed by Mr. *Lloyd* his Agent, and himself, that Mr. *Greenan's* Visit was not idle Curiosity and Compliment, your Petitioner did not shew him only what he had done, but described to him his Plan of Settlement, and informed him, if he could have the major Part of his Land run out on the other Side of the River, and Part on this Side, he did not care if the River was reckoned and measured as Part of his twenty thousand Acres, or if the whole was granted on the other Side; that he might have the Liberty of purchasing a few hundred Acres of Land, on that Side of the River he then resided on, to preserve the Plan of his Town, which, as a healthy Situation, was eligible, but could not be so to any Person, to take up according to the Form of three Perch Back for one in Front; and also about two hundred Acres below, and two above the Town; some for the Appropriation for a Minister, and some for the Endowment of a School. All within the Offer as he thought, made* by the Proclamation of the Liberty of purchasing to the Quantity of one thousand Acres, above the Rights or Grants, according to his Majesty's Order. Or he proposed, that, if the Mode of Settlement did not permit that, yet if the Persons residing with him, took up their Family Rights of one hundred Acres per Head for themselves, and fifty for each of their Family, on the East Side of the River, which they would not do on the Spot where his Town stands, unless any other peculiar Advantage to them was in View; this might serve the Purpose of preserving the Plan of his Town, by their keeping Part of their Land in Possession in Lots, in and adjoining to the Town; and the Residue might be supplied to them by Exchange of better Land, from his Grant of twenty thousand Acres, when laid out, on the other Side of the River.

* Vide Governor *Grant's* Proclamation.

That, in a Letter dated the 3d of *February*, the Governor takes Notice of the Receipt of your Petitioner's to him, of the 29th of *January*, sent by Mr. *Greenan*, on his Return, and of a Plan of your Petitioner's Settlement or Town, and other projected Dependencies thereon: This Letter intimated that there was no Power in him of making Additions to his Tract of Land, which was to be surveyed out to him in Terms of his Majesty's Order. An Extra Settlement was impracticable, because therein it was termed a contiguous Tract; that no Grants were to be given to other People, who would transfer their Rights to your Petitioner. That there were Orders from the Lords of Trade to guard against Persons Engrossing of Land. That he could not see any Utility a Settlement could be of at the Narrows of the River, where his Town was projected, if his twenty thousand Acres were to be run out elsewhere. That no Advantage could accrue to the Province from a Town, where there would be no Inhabitants, as no-body would stay with him any longer than he fed them. That he would not encourage Settlements of any of those People, at a Place where the *Indians* were likely to come over the River, on Account of it's Narrowness. That he was not at Liberty to judge of the plausible Reasons your Petitioner said he had to alledge for the Measure. That no Application of others shall preclude him from having the Grant of the *Indian* Store he had projected at this Place. That the Surveyor General was arrived, had issued the Warrant of Survey, for his twenty thousand Acres, and sent a Deputy he brought from *Georgia*; and also one *Fairchild*, who had been hired before by your Petitioner, as a Surveyor, and had now a Deputation, as one for the Province; which the Governor thought would be agreeable to him. That Surveyor, late his (for it proved, in the Sequel, he was not to be his any longer) only came, the other being ill. Another Letter, dated the next Day (the 4th of *February*) inclosed a Power to him, to administer the Oaths to his Agent Mr. *Lloyd*, to qualify him to act as a *Justice of the Peace*.

That

That, about the latter End of *January*, there was an Agreement made for your Petitioner, with one *Johnson*, for sixteen Head of Cattle, and which were brought to his Settlement the 9th of *February*; with these sixteen there were a Bull and a Steer, that were stray Cattle, that did not belong to those he bought, but which having been with them, and, as a common Thing, would not be separated from them, all the Drivers could do did not prevent them from continuing with them, as they were drove near *Augustine* his Servant went into Town, and spoke to the several Owners of Cattle, and acquainting them of these two stray Cattle, and that his Master must pay for the two Cattle, or, if they would come out and see them, they might have them; no Person came, and they were drove to his Settlement with the others, under Necessity only, not Choice. As his Settlers had not had any fresh Meat lately, and the Steer was the better Meat, rather than the others, and it would not have been worth any Owners While to have drove the two only back to *Augustine*, the Marks, the Colour, and the Value, were ascertained while alive. His Agent thought it would be no Injury, but a Benefit to whatever Owner appeared, to kill it, and allow for it. It was therefore killed, and the Weight of it then taken, and, when he went to *Augustine* afterwards, he carried the Certificate of the same, and lodged it with the Money in a Merchant's Hands, (Mr. *Wilson's*) for the Value, after the *Augustine* Price per Pound. That, if any Person alledged the Marks of their lost Cattle, and they proved the same as the Certificate mentioned, which he was to keep private, that, in that Case, he was to deliver the Money for the same, and would pay for the Bull, or they might have it at his Plantation. There was immediately raised an Uproar about this Theft; one Mr. *Piles*, who had the largest Stock of Cattle, sent a threatening Letter to his Servant, that they were his Cattle. Captain *Skinner*, an Officer at *Augustine*, sent to know *what were the Marks* of those two Cattle: Your Petitioner therefore informed the Justices of Peace of what he had done, as to lodging the Certificates and Money in Mr. *Wilson's* Hands. Mr. *Wilson* sent for

Mr. Piles, and mentioned the same; he desired him to name the Marks of his Cattle, when it proved quite different from the *Marks* in the Certificate. The latter your Petitioner waited on, and acquainted him of the same. The Certificates and Money were in Mr. *Wilson's* Hands, and the Bull still in being at his Plantation, when he came away in *September*, 1765.

That, on *February* the 19th, arrived at his Settlement, one *Aranton* and others, who had before called there in their Way up to find out a Passage through to the Gulph of *Mexico*, from the River *St. John's*, as it had been reported there was, but which they did not find; the Journal they gave him a Copy of contained to one hundred and twenty-six Miles, above his Settlement, and they said there was between twenty and thirty Miles more they had not entered.

That, on *February* the 26th, he set out for *St. Augustine*, and intended to have camped without-side the Town, and went in by Day to transact his Business, and wait on the Governor, but, over-persuaded by his Agent, went to Mr. *Greenan's* to return his Visit, agreeable to Invitation. At this Gentleman's House he lay, and, as usual when in Town before, was invited to dine at the Governor's, except the three last Days, when the Governor imagined your Petitioner had been set out for his Plantation, and was then entertained by the Attorney General, Major *Ogilvie*, Commander of the Troops, and another Officer. The Surveyor *Fairchild*, whom your Petitioner esteemed a hired Servant, one of his own Household, and had accepted one of the Deputy Surveyorships of the Province, by Consent of your Petitioner, waited on him at Mr. *Greenan's*, to know his Pleasure about returning to his Plantation as a Surveyor for the Province, but seemed too high for his Service, and inquired what Wages he would give. This Alteration induced him to mention it to the Governor, that some Methods had been taken he believed to induce him to leave his Service, contrary to his Contract. The Governor told him to speak to Mr. *Greenan*, to speak to *Fairchild* (the Surveyor) that he might attend his Service, as well as the Province Business.

But

But afterwards, an Opportunity serving, the Governor spoke to him himself, and told him, that the two Offices were not incompatible, and he might serve him still on his Plantation. The next Day at Mr. *Greenan's* *Fairchild* came and offered to adjust the Accounts of Wages due, and Monies received; and, supposing the Balance against him, offered to fetch the Money to pay it, as soon as it was settled. He drew it out, and proved twelve Pounds received in Cash, about twenty Shillings due for Store Goods, in all thirteen Pounds, of which about eight Pounds ten Shillings was the Proportion of twenty Pounds a Year for twenty-two Weeks he had served him, and this Balance of four Pound ten Shillings appeared due to your Petitioner. The Proposal of Payment, dropped on the Question, how much was he to give? For Mr. *Greenan* pleaded for him, that your Petitioner could not give less to him than a Crown a Day; your Petitioner answered not till he was compelled by Force. He continued to say his Bargain was just, and therefore should be observed; thus, with so good an Advocate, he had neither Service nor Balance of Account paid him. The Consequence of this plain Seduction was the utter Ruin of the young Man. At your Petitioner's homely Plantation he saved Money, was freeing himself from Debt even out of twenty Pounds a Year, and preserved his Health by Temperance and an industrious Life. For, without Vanity, there might be said to be Regulations tending to this End, amidst a moderate Plenty, not found in a garrisoned Town, where Luxury and Debauchery reigned amidst Scarcity. And Surveying valued by it's Hundreds per Annum, your Petitioner supposes, did not suffice, the Youth was ruined, a fifty Pound Debt appeared in one Shop Book against him, and he took up the Money for his Surveys, and carried off the Plans with him, or destroyed them, and fled to *West-Florida*. Two other Persons who were tired of this fatal Place, one having been caught in a Law-suit about Driving of Cattle, who had proposed to come to your Petitioner's Town to settle, but by no Seduction of his; only their own Choice, and,

as one had Cattle, would have been beneficial to his Colony ; yet were at first powerfully retained by the Service of - - - - - at length obliged to part with the Cattle, being nineteen Head, which sold for only twenty Guineas, he thinks a full Proof your Petitioners' Bargain was no Imposition, of fourteen Head, for nineteen Pounds. But this Purchase seemed only contrived to prevent his having them ; and though purchased by Mr. Justice *Greenan*, who was just then beginning a Plantation, and they would soon have been a pretty initial Stock ; but they passed quietly into the Justice's Servants Hands, or through them into the above Shop, where the Deputy-Surveyor sunk his fifty Pounds. At this Time came on the final Conclusion of the Affair of the Cattle your Petitioner bought as before-mentioned ; Mr. *Greenan* when at his Settlement, passed his Judgment in Appearance, that the Seller should make good his Bargain, which was fourteen Head of Cattle for nineteen Pounds, and he would advise him and settle that Matter at his Return. At first when your Petitioner came to Town, he was informed that the Seller would deliver the Cattle ; he came to Mr. *Greenan's*, who now your Petitioner saw became Pleader of this Cause also ; which was by proposing he should give the same Money for eleven or twelve Head, as two or three of them had been killed since ; not that he supposed the Seller would have let him have had them then, this was only to raise Matter of Dispute ; your Petitioner said the Bargain was fair and open, and he thought every one should stand to such, and it would be Matter of Lenity in him, after he had the fulfilling of it, as far as the Circumstances allowed, by the Delivery of the Remainder, with some Deduction for those that were killed. There was then produced an Affidavit, signed by a Person just before he removed from *Augustine*, that your Petitioner's Surveyor gave up the Bargain ; your Petitioner left him, it was true to bring out the Cattle, and Money to pay for them, but he did not make the Bargain, and it was not likely (if the Justice had considered) that when he was left in Town, with Cash to pay for them, and
to

to drive them out, that he should have left Powers to annul it ; he had been ready, and your Petitioner sent him to make an Affidavit to contradict the other ; but the Justice would not permit it. Thus the *English* Law was open, as the Governor had told him it was. But he found it open only on one Side of a Question. He now happily concluded an Account with his Agent, a Person (Mr. *Ballamore*) who accidentally undertook it, he says happily, as this unfortunate Gentleman, in trusting to a Promise of the Place of the Collectorship of this Port, was ruined, and made a dreadful Exit, not long after. This Account amounted to the Value of one hundred and fourteen Pounds, which by Exchange of eight and a quarter, for his Bills on *Charles-Town*, made above one hundred and twenty-three Pounds, which, with three hundred and forty-two Pounds and the Exchange twenty-eight, making in all four hundred and ninety-three Pounds, nearly all expended in *St. Augustine*, proves a considerable Sum ; your Petitioner begs Leave to mention, after the Public Money is noticed for that Metropolis, and he does it to distinguish himself, as laying out Money in *Augustine*, a Circumstance that merits Favour, as his Neighbour Mr. *Spalding*, who keeps the Store for *Machey* and Co. in *Georgia*, had Threats that his Licence should be taken from him, not only as he had not conformed to it, which was only just intimated, as to the Power over him, but in more express Terms, because he did not lay out his Money for Goods at *Augustine* ; for his Partners sent it all by Water from *Georgia* ; whereas he must have kept Horses, and had expensive Land Carriage from *Augustine*. So impolitic a Demand by the Secretary, Mr. *Dunnet* in a Letter, occasioned Mr. *Spalding* to go to *Augustine*, to know whether it was only Mr. *Dunnet's* Intimation in Favour of Mr. *Wilson's* Store, which was hinted as the Place to buy at, who was in Partnership with one *Backop*, whom the Governor had given the Command of the Province Schooner to ; Mr. *Dunnet* replied it was the Governor's Will, that he should have the Intimation before-mentioned. The Governor himself, when Mr. *Spalding* waited on him, was silent on this Topic.

This

This Letter having been transmitted to *Georgia*, he need not recite it, as it was forestalled in the Relation, by an uninterested Person, mentioning his Knowledge of the Fact. For Want of this kind of Recommendation, of expending his Money at Mr. *Wilson's* Store, in *Augustine*, he could not be blameable, he must proceed further to find the Cause of Blame.

That he had, in the Course of some Conversation, during this Week, an Intimation that, in the more regular Manner, the Governor should have directed the Attorney General to have prosecuted him for settling on the King's Land, without Leave. He now endeavoured to find out in what Manner he might be permitted to run his Land, for he could without much Foresight perceive, that whatever seemed more particularly his Desire, would fall further without the Line of his Majesty's Directions and Orders.

That having an Inclination to some Islands, some Way above where he is now settled; but which Islands, if he had specified, would some how or other be construed improper for him to have; but which he intended to have taken, with some Land adjoining, or not far off, could he have assured a Will to grant them. He asked therefore a Question about the Island of *Amelia*, which lies on the Confines of *Georgia*, which the Lords of Trade had once consented to recommend to his Majesty to grant to your Petitioner, whether if he altered his Mind again for that Island, which he supposed about fifteen thousand Acres of Land, whether he might have the remaining five thousand Acres on the Continent, nearest to the Island? The Governor answered, your Petitioner's Grant was to be of a contiguous Lot of twenty thousand Acres. This however he had obviated before in his Plan, shewn to Mr. *Greenan*, by which the Water intervening, amounting to three or four thousand Acres, was to have been measured, and some Land on each Side, which would certainly have been contiguous, though Part of it might be covered with Water. He was surprized now however, with a particular Care in his Excellency for the poor Settler himself at last, though, in the Case of his
Hunter,

Hunter, the Governor would not interfere, as is before mentioned. The Satisfaction made by Major *Ogilvie*, for the Injury done him by the Soldiers at *Picolata*, in carrying off his Smith and his Wife, was reduced to a Reprimand at his Request, and pardoned, as is related before.

That in some of his Letters, among many of the Grievances that he had full Reason to Complain of having barely recited, this of the Soldiers, the Governor took up this single Fact alone, and exerted his Authority as Governor in assisting and protecting him as a Settler, by removing of this Garrison at *Picolata*, who had injured him in the Manner before related, but it happened to be thus untimely, after the Satisfaction and Pardon given through Major *Ogilvie*.

That, one Day this Week, the Governor mentioned to him this Order of Removal; he told him it happened to be extremely unfortunate, as he had addressed his Complaints to the Major, being the Commanding Officer, and he had answered him in the politest Manner, and rendered him all the Satisfaction of Punishment possible, which he had declined, and intreated for a Relaxation and had pardoned the Delinquents. The Governor said, he was not to ask the Major any Question about it, that your Petitioner ought to have addressed himself to him; he replied, he thought in applying to the Commanding Officer of the Regiment, respecting such Matters, he had acted properly; the Governor said no, in respect of the *Care of the Settlements*, he himself was the only Director. But, as various Circumstances, which fall out at different Times, are not easily connected and ambiguous, meanings disvelop, your Petitioner is obliged to make his Relation with the utmost Plainness of Style, for Perspicuity's Sake, and reason from Facts to Causes, in the Course as they happened. In three Governments in *America*, *Quebeck*, *West* and *East Florida*, a Dispute arose between the respective Governors and the Commanding Officers of the Forces at each Place, as to the Power of giving the Word of Command. In *East-Florida*, the Governor claimed it; Major *Ogilvie*, the Commanding Officer at *Augustine*,

Augustine, asserted the Right, and said that these Points must not be given up, but that, the Governor and himself, had been in Friendship in the Expedition to the *Havanna*, he did not desire to quarrel with him. If he liked the Feather, he might have it, till a Determination of the Question might be had from the General Commanding Officer (General *Gage*) to whom he would send. The Answer from General *Gage* gave it in Favour of Major *Ogilvie*. He cannot assign any other Reason, but a kind of Reversal of this Order, unless, as Protector of Settlers, it might be that of throwing the Blame on your Petitioner, for Pardoning and reversing his Pardon, and to raise an Odium and Hatred in the common Soldiery against him, which appeared in a Refusal, for some Time, to let him in at the Gate of the Fortification, called *Morfo*, one Evening just after the Gate was shut, but which is usual to all People at any Time of the Night; for without Leave the *Palmetto* Fortification on that Side of the Town admits in many Places a Horse to pass through it, at a Distance from this Guard at the Gate.

That, on *March* the 18th, *Philoki*, one of the *Indians*, made your Petitioner a Visit of Compliment, with his Squaw, or Wife, and two Sons well dressed; on some Conversation he expressed some Anger at a Trading House being establishing at a Place a great Way above by one Mr. *Wilson*, and said the *Indians* would not suffer it, which your Petitioner knew was rather out of Jealousy, for the other Store, which was kept by Mr. *Spalding*, whose Friend this *Indian* was, however your Petitioner thought fit, to acquaint the Governor of it by Letter, but this *Indian* brought Mr. *Wilson* away by Force, and obliged him to depart, after letting him sell the few Things he had then with him. In this Letter he also informed the Governor of his explaining the Plan of Trade, he purposed with the *Indians*, to this *Indian Philoki*, which proved so agreeable as mentioned before. But he also was obliged to mention one Circumstance, that this Visit drew Jealousy of the Trading House of Mr. *Spalding*, who was himself then absent in *Georgia*, but his Interpreter came down to his Settlement, in Pursuit
of

of *Philoki*, as a Debtor to his Store, and had deserted it in order to apply to him. That your Petitioner supposed, by an Application for a Licence to keep a Store, he should obtain a Quantity of Land, in Proportion to the Persons settled therein, agreeable to the Proclamation; and that one of the Petitions before-mentioned had Reference to the Settlement of such Store, on the opposite Side of the River. That the Person intended to be settled thereon would give a personal Attendance, when his Excellency was known to have appointed a Day for Examination. But that he then took the Liberty of mentioning, that the Report of two Persons just returned from *Augustine*, who had waited on his Excellency to petition for Land. Messrs. *Davis*, and *Johnson*, that no Person residing with your Petitioner should ever have any Grants of Lands in this Province, and that the Petitions sent in under his Direction to the Secretary were thrown under the Table; that he related this as a Report only without any real Foundation, or more than a Non-correspondence with the Governor's Sentiments and Will to establish a thorough Settlement of the Province in some Persons whose Station of Life should direct to a different Department, and which, however it would answer their Ends he knows not, but might render his Settlement more difficult; singular, and trifling as it is; if continued to a second or third Adventurer, might discourage a greater Number of more important Undertakings; after which followed a Recapitulation of the Seduction of his Surveyor *Fairchild*, recited more at large before, but more particularly mentioning Mr. Justice *Greenan's* Assertion at last, that *Fairchild* the Surveyor's serving of him was incompatible with the Office of Surveying for the Province, though his Excellency had said otherwise. That he thought the Advice, Weight, and Authority, of some already established in Office, might make Equity flow easily to private Individuals, and that Contracts would be preserved in Fact, though wanting some necessary Forms; reflecting on the Character of a Justice of Peace, as holding a Balance between Equity and the Rigour of the Law. That Colonies have been much
disturbed

disturbed by the sinister Arts of Neighbours, or private
 Connections within it's own. That your Petitioner ex-
 pected it; that he found it at *Charles-Town*, as to the
 Former; as to the Latter in the Point of the Cattle.
 His Boat lost perhaps through Disappointment in Affi-
 davits feared to be made, and some others, already
 troubling his Excellency too much about, yet must serve
 for Reflexion and future Advice to himself. The above
 Omission of the Name of the Person, through whom the
 Loss of the Boat was occasioned, afforded ample Rea-
 son to the Governor to take the Matter up. The most
 minute Affairs in *Augustine*, or the Province, were known
 to him, and this more worthy of his Regard, than the
 affair of the Soldiers of *Picolata* already mentioned. But
 it is not to be doubted he knew that this Blank would
 be properly filled with the Name of Mr. *Sweetenham*,
 the young Man he wished well well to, and knew not any
 one he should be more ready to promote. The Go-
 vernor wrote him an Answer dated the 21st of *March*,
 in Answer to what he wrote about the *Indian Philoki*,
 and the Traders Mr. *Wilson* and Mr. *Spalding's* Inter-
 preter, wherein he observed as to the Latter, that he
 had not followed his Instructions, which forbids Traders
 giving Credit to any *Indian*, and his following *Philoki*
 to your Petitioner's Settlement was an Irregularity he
 should inquire into. The Letter mentioned above from
 the Secretary to Mr. *Spalding* the Store-keeper Mr. *Dun-*
net now seemed to be grounded on this Advice of your
 Petitioner as a Reason for withdrawing the Licence; but
 the Terms for keeping the Store *still*, by purchasing his
 Goods at Mr. *Wilson's*, of *Augustine*, had no Reference to
 your Petitioner's Settlement. The Governor mentions,
 in this Letter, a Will and Desire to grant a Licence for
 an *Indian* Store to your Petitioner; but desires him
 not to talk to *Indians* about Trade, lest he should coun-
 teract what the Superintendant had agreed to, on which
 must beg Leave to observe, what your Petitioner had
 proposed to the *Indians* would be, he believes in every
 Person's Opinion just, and could not counteract any
 Regulations productive of beneficial Trade, unless the
 Interest of the Rum Colonies should be considered, in
 Preference

Preference to the Security of *East-Florida*, which the Sale of that Commodity to the *Indians* might effect, whatever Injustice there might be in the Introduction of it, to the Destruction of their Race. The Governor mentions also, that a Licence to a Trader does not preclude him from being a Settler, but does not intitle him to a Tract of Land near the Store; the Licence is annual; permanent Property upon that Account would be inconsistent. This refers to his asking for Land, with the Store; but which he mentioned as the Proportion assigned in the Proclamation of fifty Acres per Head, to those Persons settled at the Store. This seemed to be only as a kind of Denial of the Necessaries of Life to such Persons as your Petitioner should settle there, and which, as Corn and Rice, are Articles of Sale, or Gift to the *Indians* at all Stores it seems as if Land was a necessary Appendage. In Answer to the Report mentioned, in his last Letter, of the Petitions from Persons at his Settlement having been thrown under the Table, and none would be regarded, the Governor answers, I do not consult a Mr. *Johnson*, or a Mr. *Davis*, about the Plan of Settlement of this Province; pray do not give Attention to such idle Reports; in which his Excellency does not deny the Fact. The People at *Mount Pleasant*, he continues, as I have told you, I can only consider as Settlers upon your Estate, when you fix upon it; otherwise you may believe I should not permit them to settle upon Crown Lands, without making Application to me; for you know well, if that was not the Case, that I should be obliged to direct the Attorney General to prosecute them for a Trespass against the Crown, as they have taken Possession of Crown Lands, without asking my Consent; that, in Respect of your Petitioner's Surveyor *Fairchild*, he wished him to settle with me; it was not decent for him to go greater Lengths. If your Petitioner had been ill used in any Bargain, the Law of *England* was open. That he must leave it to the Justices of Peace to use their Power to assist young Colonists; for peculiar Circumstances, where Points of Law are concerned, it was not in his Power to substitute, to excuse

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him

him from entering further into those Particulars, unless your Petitioner entered a regular Complaint against any particular Person, for not executing his Office, then the Affair would come properly before him. * Hereon your Petitioner must beg leave to remark, that his mentioning the Report of his Petitions being thrown under the Table came from the two Persons named, who were returned at that Instant, from the Secretary's Office, if not the Council-Board; but your Petitioner mentioned it as a Report that could come from Underlings in Office only, who wished ill to his Colony; but such Givings-out might be prejudicial. If there were People came to his Settlement for Security, and, in Hopes of Conveniencies for Education of their Children, and other Benefits, might be induced to reside at his Town, Village, or whatever Name it may be called by; yet, as for Land for Cultivation, such as he might be inclined to grant, they might not chuse, or could meet with some as convenient and nearer on the other Side of the River, and without the Limits of his Grant. Your Petitioner could not think that their Possession of a Plot of Land, three Perch in Breadth, and twelve in Depth, the Size of the Town Lots, as at present taken up, or if they should also cultivate the five Acres Lots laid out without the Town, with any Manner of Reason, could preclude them from his Majesty's Offer of one hundred Acres for themselves, and fifty for each of their Family. If they had accepted of the King's Grant of the same, first of all, your Petitioner is pretty well persuaded there could be nothing contained in his Majesty's Instructions to prevent their possessing other Lands of private Persons, either by Purchase or otherwise; he is certain that such Construction must militate with the Plan of settling the Colony with Whites, the express Condition of the Royal Orders for Grants; for, as the Governor said, no Person would stay at your Petitioner's Town, any longer than he fed him; and the Offers to Settlers, in his Proclamation, must contend with

* The Petitioner's reason for not making such Complaint,
See above.

with his settling in that Part of the Province. His forming a Town without any Inhabitants was useless, for he could not grant Land with greater Conveniencies and Privileges than his Proclamation offered. Thus far, or in such Lights, it is true ; for twenty thousand Acres are granted to a Person bringing four hundred Negroes, and, perhaps at several different Times, he possesses him self of as many several Tracts of Land ; by their being run out in smaller Portions, contain, altogether good Land, with little or no Addition of bad Land, and, in three Year's Time, may sell the Stock of Negroes, possessed irrevocably of the Land, and may, or may not, cultivate the least Part of it, and leave what he did clear worse than he found it, as the Weeds and Quick-wood immediately succeeding would soon render it more difficult to clear, than old fresh Land ; the other receiving a Grant in one contiguous Plot of twenty thousand Acres, perhaps, a twelfth, or a tenth Part good, the Residue, what is called Pine-Barren, or the most indifferent Land, he must equally, with the Negro Settler, pay forty-one Pounds thirteen Shillings and four Pence, a Year, Quit Rent, or one Half-penny an Acre ; he must convey his two-hundred white Settlers, and set them down to Cultivation, at a far greater Expence than the other ; and must lose his intire Property in these Settlers at the End of the Term agreed for, which is usually four Years. If they stay, he lets them his Land, at what Quit Rent the Governor tells him, not at so low a Rent as he will, agreeable to his Proclamation, an Half-penny an Acre ; therefore, no Persons will settle with him. This appears to be almost unanswerable ; but the Contrary did appear, in a small Degree, at your Petitioner's Settlement, maugre all Opposition and Obstructions ; in a greater it would have appeared, had not *peculiar Contrivances*, which his Excellency seems to think him too presuming to expect, might be formed for the Protection and Encouragement of the Settler, seem to be set in Battle Array against your Petitioner.

That his Excellency, not contradicting the Report mentioned, but desiring him not to mind such idle Re-

ports, your Petitioner was extremely obliged to him for the Intimation. He did observe this Resolution, he set out with it from *England*, not to let the Spirit sink, by permitting the Contradiction of others to grate on the Mind ; it will, if given Way to, in a hot Climate, your Petitioner knows, enervate the Man in a short space of Time, and shake the Frame to Pieces ; Labour of the Body will prevent this Labour of the Mind, and preserve both for the Use of the State. Your Petitioner can plead Excuse for this seeming Digression, only by alledging it, as an Offer for Information to those who may undertake Expeditions of this Kind in warm Climates, how much depends on the preserving in all, under their Care, the Chearfulness of Temper, and Equality of Mind. He does not doubt, if he the Adventurer, on his Majesty's Permission to settle, had chose to have disputed the several Points of Obstructions to his Settlement, he might easily have embroiled himself with half the People established by his Majesty, for the Protection and Defence of the Colony ; but, as the Gentlemen of some Part of *Yorkshire*, who were greatly disturbed in the peaceable Possession of their Lands and Game by a certain Major, who provided Dainties at his Table for two Ladies of Luxury in different Parts of *England*, wherein he pleased to place them, were instigated by one another to challenge this Gentleman of the Sword, at whose Point they were to be kept from even viewing their Demesnes, like Prisoners in their own Houses, when one Gentleman, more prudent and of just Reasoning, at some General Public Meeting said, that, as that Gentleman was intended by his Majesty to defend and fight, not with his Subjects, but for them, it was no Dishonour in any Person to omit the Challenge, and to join in the Proposal he then made of an humble Representation to the Secretary of State, to interest himself in obtaining an Order of Removal for that Gentleman from those Quarters, as a Public Nuisance ; which they all readily joined in, and he was ordered, he believes, to join his Regiment in *Ireland*. Your Petitioner has the same kind of Reasoning with himself, as to the Point of Honour ;

Honour; and doubts not of his Majesty's Protection of those he pleases to grant Lands to, and who support a Settlement at a great Expence, on the Plan he directs in his Order of Grants to be followed. As to what the Governor refers him to, the Law and the Justices, and a regular Complaint against the Executors of it; he saw so little good Effect from the humble Remonstrances, so little Obedience to his Excellency's Opinion, as communicated to him, and having the same Complaints from other Parts, and for the Reasons before mentioned, he thought it more prudent to make all possible Provision against these Misfortunes within his own Settlement, as far as the Nature of his own Power permitted; and to defer his Representations of those Matters till his Return to *England*, which he meditated on daily; but was still desirous of staying to locate the Grant of Land. The Governor on one Side pressing him to a hasty Determination, though he did not to others already set down on Lands, equally with your Petitioner, on Sufferance only; and as yet no Agreement had been made with the *Indians*, or likely to be soon for the Permission of settling any Land; he imagined, if he could have any Assurance, not extraordinary * Indulgence of the Time, to procure Opinion of Government at Home on his Representations, he might set out and return again, before the Treaty with the *Indians*. But he could neither venture to go, and his Stay proved not long enough at last to locate the Land with Propriety, being continually obstructed on every Proposal.

That, on *April* the 20th, he sent a Letter to the Governor, which he mentions in his Answer of the 23d, wherein he inclosed a List of the Grants of Land, made by Mr. *Boone*, Governor of *South-Carolina*, of eighty-three thousand one hundred and fifty Acres, Part of which was on the *Alatamaha*, the former South Boundary of *Georgia*; Part on *St. Mary's River*; the present Boundary of *Georgia*; Part on what was agreed between General *Oglethorpe* and the Governor of

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* See the Indulgence to Col. *Middleton*, () of three Months Consideration.

St. *Augustine* to be esteemed Neutral — on the Islands of *Amelia* and *Talbot*. But also *three thousand Acres*, one *hundred Miles* up from the *Mouth* of *St. John's River*. Suppose *twenty Miles* more *South* than *St. Augustine*, in the very Heart of the Province of *East-Florida*, ceded by the *Spaniards*, on a Presumption that King *Charles* the *II*d's Charter of *South Carolina* could extend to the Deprivation of all Inhabitants, as far as the Latitude of *29 Degrees*, which included *St. Augustine*, *Pensacola*, *Mobile*, *New Orleans*, &c.

That your Petitioner had this Plot surveyed by his Surveyor, and which Draught he had shewed to the Governor, and related that as an eligible Spot for him, if the *Indians* would permit a Settlement on that Side of the River; that, if not, he must chuse another Spot, as mentioned before. In the Governor's Answer concerning this Grant to Colonel *Middleton*, he said he had not understood that any of the Grants in *East-Florida* Province had been completed, in Consequence of Governor *Boone's* Grants, till lately Mr. *Middleton's*, to whom those three thousand Acres opposite to your Petitioner's Settlement had been granted by Governor *Boone*, sent to their Correspondents, to request the Governor to have the Grants recorded in the Register-Office, in *East-Florida*; they are very responsible People, and would make good Settlers; his Answer to this Request was pretty nearly as follows, that this Province had been formed out of a Part of the Country ceded to his Majesty by the late Definitive Treaty; that he was the first Governor his Majesty had appointed, and that he could admit of no Grants, but such as had passed under the General Seal of this Province; that the Validity of a Deed under the General Seal of *South-Carolina* must be considered before it could be recorded in the Offices here; but that, upon personal Application to him in Council, if those Gentlemen complied with the Terms of his Proclamation, as the Lands had not already been granted by him, all Difficulties might be removed, as they should get a Grant of the Land they claimed; and, that they might have Time to consider of it, he would not
give

give away those Lands to any body for * three Months. If Mr. *Elliot* applied to him before the Lands of *Amelia* Island are granted away, he shall give him the same Answer; but it is the Business of Gentlemen who have obtained such Grants to inform him of it, for he is supposed to know nothing of them till Application is made to him; he then mentioned an Instruction of a Survey of St. *John's* River soon, but has not happened unless very lately; presses your Petitioner again to locate his Land, for fear he should grant away Land he might like. Your Petitioner's Letter of the 25th of *April*, takes Notice that this Letter of the Governor's, as well as the former Reasonings on the Locating of his Grant all together in a connected View, rendered a greater Difficulty in his declaring his Sentiments, alledging there seemed to be full Time, before there was a Likelihood of an *Indian* Congress, for him to have the Opinion of Government at Home. The Land on the opposite Side of the River had not now at this Time the Objection of the *Indians*; indeed your Petitioner believed he could have had it of them, if no Land had been granted by any Congress; his Friendship with them made him quite easy, though the two *Indians* Traders were at that very Time drove from their Stores, the fatal Effects of selling Rum! and which obliges his Neighbour Mr. *Spalding*, to lie aboard his Boat in the River every Night, while the Rum lasts, for fear of being murdered; and also now the *Indian*, whose Name was *Chuckle*, mentioned before, was supposed to be murdered at *Augustine*, which made the Governor fear Mischief would ensue, who sent to the *Indians* at *Latchaway*, to express his Inclination to use his best Endeavours to find out the Murderer, though the *Indian* appeared again afterwards; it being a Contrivance he had to occasion a Suspicion of a Quarrel and Murder it was supposed. But your Petitioner thought himself nevertheless quite secure in their Goodwill, and Promise of Information on any the least Danger or Intention of Harm. He herein expressed his utmost Desire to make a Settlement, agreeable to the

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Interests

* See above

Interests of the Mother Kingdom ; recapitulated, in a short Manner, the different Sentiments expressed thereon, and the Opposition he received from unexpected Hands, though Difficulties and Oppositions in Interests he in some Measure had expected.

That on the East Side of the River he resided on, would be eligible only on Account of Health, the other Side for better Land ; and the *Indian* Friendship would now permit it, requested the Governor's explicit Opinion as to Right of Pre-election, in himself, of such Spot on the West Side, should the Grant of Governor *Boone* be invalid ; or, if valid, of Admission to the sole Property of a Ferriage, the *Indians* passing free with Convenience and a Store for the *Indians* on that Side, esteemed before by the Governor improper on this inhabited Side ; and whether two other eligible Spots he had in View might remain ungranted, till he might, by Representation at Home to the Lords of Trade, obtain a different Arrangement the Governor had intimated it not to be within the Limits of the Commission, may be yet thought proper by their Lordships to recommend to his Majesty, to facilitate the expensive Attempts though he hoped not illaudable, of your Petitioner.

That the two eligible Spots, two Islands, and some main Land, are not esteemed by the Governor a contiguous Plot. That, on *April* 26th, the Governor's Letter expresses a Disbelief of any Person's wishing your Petitioner ill, and should have a bad Opinion of such, if any. It was his Duty to facilitate his Settlement, but he said your Petitioner had given him no Reason, why he did not go and settle at *St. Mark's*, according to his first Intention, hinting rather a Dissatisfaction at his not running out his Land, as he had a Surveyor sent over in *February*, and was in no Apprehension of giving Offence to the *Indians* in running out his Land, though above the Fort *Picolata*, as he was already settled there. If he had proposed fixing on that Spot of Land which had been granted by Governor *Boone* to Mr. *Middleton*, your Petitioner, should have told him so, he said it was mentioned as an extra Settlement, which he could
not

not grant. If he had proposed a Survey of that Land, before the *Carolina* Grant had been laid before him, his Answer to Mr. *Middleton's* Agent would have been different, but that he could not recall what he had said. As to the Grant of the Governor of *South-Carolina*, disposing of the Tracts of Land mentioned above, it was upon a strange Supposition, that the Right of the Governor seems to be founded. That King *Charles* the II^d's Charter of *Carolina* extended to the Latitude of 29 Degrees, by which *St. Augustine*, *St. Mark's*, *Pensacola*, and *New Orleans* were included: Any grant of Land, at this Place, must be of Land ceded by the *Spaniards*, if any Thing was in their Possession, whatever might be said of the Lands, eighty-three thousand one hundred and fifty Acres, the Governor of *Carolina*, had granted on or near *St. Mary's* River, and the River *Alatamaha*, which your Petitioner thinks were agreed to be neutral, between General *Oglethorpe*, and the Governor of *St. Augustine*, at that Time. The Governor continues to say, that a Place would be reserved for a Fort, at the *Narrows*, that is, at his Settlement; a Lease of the Ferry he might have the Refusal of; a Licence for an *Indian* Store he might have at any Time, but, the Moment Inhabitants were fixed upon it, the Store would of Course be removed to another Place, none being permitted in an inhabited Country. As to the two Plots of Land desired to be reserved, he knew the Terms in the King's Order for a Grant, before he left *London*; then was the Time to object, he had had a long Time to search for Land, and no such Spots could be reserved on a Supposition of an Alteration; he added, no Person could come with a greater Advantage of locating his Grant, than your Petitioner did; as to Obstructions to his Settlement a Person of his Excellency's good Intelligence, could not want Information from your Petitioner. Every minute trifling Circumstance he found on several Occasions the Governor knew. When he had a Surveyor he had a Plan, and shewed it to the Governor in *December*, of that Plot of Land opposite to the Place of his Residence, and mentioned the *Carolina* Grant, which he had heard of, and shewed an Inclination to that Plot of Land all along; but the Misfortune was, that every
Proposal

Propofal for any Plot, no Matter what or where, was certain to receive some Objection. This certainly dallied Time away, not through his Fault, till others might come to take any good Land away from him, as it happened afterward. At this Time a different Answer would have been given to Colonel *Middleton*, had it been known before-hand *. Surely, the little Knowledge of the Country near St. *Mark's*, the Conference not yet held with the *Indians*, through which Country, for two hundred and forty Miles, he was to pafs, and no Person had paffed it as yet, were fufficient Motives to a humane Governor to have prevented his attempting to go, with ten People, to be scalped, had it not entered into your Petitioner's unexperienced Head. The Fort is held out as a Bugbear, to prevent his Continuance even at the *Narrows*, where little good Land adjoins. As to the two Plots, it had been plainer propofed by him as an Island, and a Part of the Main; which was answered could not be a Contiguous Plot, according to the King's Instructions; and your Petitioner has lately been told by a Lawyer, this is one of the more nice Species of Refinement. He could not conceive of Weight, but, with a previously ftiff determined Mind. Your Petitioner did not presume to make Comments on his Majesty's Order, he accepted it without Interpretation, and would try the Experiment in Person If Constructions are foreign to the Meaning of his Majesty's Order, or any Thing, by Experiment, is found injurious to the more beneficial Settler with Whites, he doubted not of Relief, could he have had Time to represent it, and no Injury done to his Settlement in the mean Time. The Lease of the Ferry he defired, to oblige the *Indians*, which he feared others might not, was the fole Motive of his Request; but for a valuable Confideration he might purchafe other Things more valuable in Income he fupposed. The Store was to be granted and foon revoked. He fees no Objection, if proper Directions are given, and obferved, the more intimate the *Indians* and Whites are, the better.

That

* This was known before, as appears, juft above, by the Petitioner's fhewing to the Governor a Survey of this Land made by his own Surveyor.

That your Petitioner wrote a Letter to the Governor previously to his going to *England*, as intended in the first Week in *May*; wherein he recites again the prior Petition of Colonel *Middleton*, by an *Agent* or *Proxy*, not permitted to your Petitioner, or any Person in any wise belonging to him; but, *his* Application had been *personal*, he had shewn a Map run out by his own Surveyor, before he was deprived of him, by being seduced away, of this same Tract of Land. That his Excellency had declared his Intention of not receiving of Petitions, for any Land above *Picolata*, till after the *Indian* Treaty; therefore, his Delay frustrated no Attempts of others to settle: The Petition for Part of that Land, by a Person he had intended Settling at an *Indian* Store, was prior also to Colonel *Middleton*; and, if it wanted the Form of a personal Attendance, it was owing to the wrong Information at the Secretary's Office, where his Surveyor inquired for the Form and Method, and was intended only to save Expence in Attendance; for he could not think, that his Excellency created an Obligation on the Settlers, by enhancing their Expence of Attendance, to support the Taverns at *Augustine*. He, on this Account, intended going immediately for *England*, but, lest that some Land should be granted to Colonel *Middleton*, in Preference to himself, or any other Person, hearing your Petitioner had viewed such or such a Spot of Land, may make Application for a *small Slip* of Land in the Middle, to the Depriving him of Land agreeable in *Contiguity*, as required by his Majesty's Permit. If he can have no other Election but a second after Colonel *Middleton*, then that he must fix on a Piece of Land, disposed in a Neck on this Side of the River, as Colonel *Middleton's* is so termed on the other, (which is altogether Swamp) by a prudent Line of Direction; though, if your Petitioner included it in his, he should have mixed much Pine-Barren, and, according to one Plan, should have paid for near two thousand Acres of Water in his Quit Rent; he thought it not quite a dishonourable Proposal to make to his Excellency, not an Injury to other Settlers, or the Interest of the Province. He objected to the sending
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the Person, who had been Surveyor in his own Service, as a Surveyor for the Province, for Reasons too obvious to mention to a Person of Honour; but, if another was sent, Mr. *Lloyd*, his Agent, would shew him his rough Draughts, done by himself, through Necessity, since he was deprived of his own Surveyor, for easier Comprehension how to run the Land.

That your Petitioner was sorry, that he had related to the Cowkeeper, one of the *Indian* Chiefs, as he mentioned before, that he believed no Castles would be built on the River, as he found now it was different from the Intention of his Excellency's Meaning, the Reservation of a Spot to build a Castle on his Settlement; which, whenever executed, he should certainly sow no Corn, &c. within the baleful Influence of such a Fort, lest he might hide the Enemy from the Sight of the Garrison; but, as for Colonel *Middleton's* Rice Plantation, on the other Side, though within Gun-Shot, it would not be of such Prejudice, as Rice would scarce hide an Enemy. As for the Place where his Village was, being the narrowest and best adapted Place for the Fort, it was equally as well a Mile below, where it was one Chain narrower; and, above nine Miles above, there is a Place, that seemed to him not above a Stone's Throw over.

That, on *May* the 9th, two Gentlemen of *Carolina*, Mr. *Kinlaugh* and Mr. *Moultrie*, both considerable Planters in that Province, arrived at his Settlement, and brought him a Letter from the Governor, dated *May* the 7th, to inform him, that these Gentlemen came to petition for Land, and fix upon the Locality of the same; that he could not grant them any, till after the Limits might be settled by an *Indian* Treaty; but that such Land as they should chuse should not be granted away to any other Person, till they, or their Friends, came into the Province to establish their Settlement in the Autumn after the Congress is over*; presses him to fix on his Lot, as their Choice would become prior to his otherwise, and irreversibly so, and that these Gentlemen would fix on several Spots before they returned; which

* It appears the Governor gives Indulgence to all others.

which they accordingly did, on two Spots only, very near your Petitioner's House and Village, one of which was within the Survey shewed to the Governor. He always, he says, expressed a Desire to accommodate your Petitioner to his Satisfaction, as far as lay in his Power; and thought it expedient to put him on his Guard. The Postscript informs him, that he had received an Express from St. *Mark's*, and sent him an Extract of a Letter from the Commander there; Mr. *Pompillione*, wherein was an Account of a Vessel, a Brigantine, with Settlers for his Plantation, which had attempted to come into St. *Mark's*, but had failed, and had put into *Pensacola*, from whence an Express had been sent to Mr. *Pompillione*, at St. *Mark's*, with the Letter from the Captain to him.

That your Petitioner was now to be hurried into the Fixing of his Plot of Land; he entertained these Gentlemen with all Respect, as well as his Situation permitted; and acquainted them, that he had not really determined about the Running out of his Land, as he had had many Proposals rejected by the Governor, and Difficulties still occurred; but shewing them the Plans, as drawn by that indifferent Surveyor, himself, being obliged to do so as he was deprived of him he had hired into his Service, by the Seduction of others; and intimated he should still stick to the Spot they saw him on; which he supposed would not interfere with their Choice, as they were going far up the River; and mentioned, that the Proportion of his Lot, would be nearly three Miles and a Quarter in Breadth, and nine Miles and three Quarters in Length, which he would get run as soon as he could procure a Surveyor to come to him. This he then thought satisfactory to them, and, for himself, consulted with his Agent, and made out Directions to him, for Information to the Surveyor in his Absence, as he now was obliged to put off his going to *England*, and determine to hasten to the Assistance of his Settlers from *England* at *Pensacola*, lest his Letters of Advice where he was had not reached them. This was a Journey of Necessity, though dangerous, being the first undertaken by the present White Inhabitants of *East-Florida*,

Florida, not of late Years ventured on by the late Possessors of *St. Augustine*, the *Spaniards*. It was not a Case of Necessity, when the Governor would have had him undertaken it on his first Arrival, and before he became acquainted with the *Indians* or the Governor himself had had a Congress with them, but which latter Security he still had not.

That he prepared however immediately to go to *St. Mark's* across Land ; one of his Servants would go with him, though your Petitioner had determined to run the Risk alone, without engaging any other of his People. He set out just as it was dark in the Evening of *May*, the 10th, and went up in his Canoe to the *Indian* Trading-House about eight Miles up the River, where he reposed himself on the Bank of the River till the Morning, when he found the two *Carolina* Gentlemen just setting out for a further Search higher up the River, and proposed to go over the Great Lake which is about thirty Miles further up from your Petitioner's Settlement, and is twenty Miles in Length, and ten in Breadth ; nothing transpired from them of any Choice near him at that Time, neither did they mention it to his Agent, on their Return to his Settlement, when they were entertained by him in his Absence, but on his proceeding as herein aftermentioned down the River for *Georgia* and *England*, he met one *Mr. Grey*, who was a Person in Company with those two Gentlemen when they went up the River ; and he acquainted him that they proceeded no further than the Great Lake, did not go over it, but returned back, and had made Choice (*Mr. Moultrie*) of three thousand Acres on the South-West side of *Dunn's Creek*, the Mouth of which discharges a Lake, formed about six Miles above, to the South-East into *St. John's* River, nearly about four Miles higher up the same from your Petitioner's Town or Village ; and that *Mr. Kinlaugh* had chose the same Quantity of Land on the North-East Side of the same Creek, and that the Governor had promised them Grants of the same. As a Plot of three thousand Acres must be, according to the Rules of running out Land, three Miles and three Quarters in Length, and one Miles

Mile and a Quarter in Breadth, the Breadth must reach within three Miles of the Middle of your Petitioner's Town, which, as the Breadth of his Land was known to be three Miles and a Quarter in Breadth, and nine Miles and three Quarters in Length, might, in either Method of running the same, interfere. It seemed to be a Breach of Hospitality he thought in those Gentlemen in the Silence upon such a Choice so near him, if it did not approach to what the Gentlemen Racers call *Fockeyship*. It was then too late to make a personal Appeal to the Governor; he could only send a written Remonstrance, which he did by the Return of his Boat from *Georgia*, and ordered his Agent to do Acts of Ownership on that Land, to distinguish his Choice. He must in this Place remark, that both of the Gentlemen's Lots will have Side Lines run on a Creek as called so, but is really a deep River navigable for large Schooners, as well as their End Lines on the River, and perhaps the other End on the Lake above; that the said Plot of Mr. *Kinlaugh's* will contain about six hundred and fifty Acres of good swamp and marsh Land out of three thousand, when even your Petitioner's twenty thousand run in the most beneficial Manner, though not admitted by the Governor, will contain but one thousand eight hundred and thirty Acres of good Land, of which the six hundred and fifty Acres in Mr. *Kinlaugh's* Lot is a Part and the Residue eighteen thousand one hundred and seventy is Pine-Barren, or indifferent Land. Mr. *Grey* also informed him that his Family had pitched on a Piece of Land below him, on the other Side of the River. This was a Place he once had Hopes that he might have had Liberty of placing a Mill at, there being a Stream of Water with some Fall, to grind the Corn for his Villagers, and it appeared since not an inadmissible Petition, as to one Mr. *Davis*, who had settled on a Spot of good Land about seventy Miles below him, whereon much fine Bay-wood, &c. grew, which he had presented the Governor with a considerable Specimen of, where the Governor had permitted him to run both his Side-line and the Front-line on the great River, and he thinks about one thousand Acres as for himself,

himself, and perhaps eighteen Negroes ; and about eight Miles distant as he thinks, he told him, promised him a Lot for perhaps the Residue of his Family and Negroes, whereon he intended a Mill. This Lot also, made Choice of by the *Grey* Family, has the chief Part of it's Side-line on the River, as well as the End-line.

That your Petitioner now took the Interpreter at the Store of Mr. *Spalding*, to proceed to the first Town of the *Indians*, about fifty Miles Distance, which lay in his Way thither ; and by the Assistance of two Horses, walking the chief Part of the Way himself, they arrived there, the second Day at Noon, at a Store-House kept by a *Dutchman* one Mr. *Barnet*. Your Petitioner, being well known himself to many of the *Indians* here, and the Chiefs being out on the Hunt, had no Obstruction to his Passage ; he here engaged the *Dutchman*, *Barnet*, to conduct him to St. *Mark's*, and the other Interpreter returned to his Store ; he here saw, at this Town, the unhappy Effects of the Rum Trade, which he foreboded, and used all Precautions against ; one of the *Indians*, called *Neatohowki*, who also kept a Shop here, had procured from Mr. *Spalding's* Store several Casks, which had intoxicated the *Indians* ; and this Man who is a Nephew of the *Indian* Chief of the Village, the Cow-keeper had, on an Apprehension of being bewitched, in the Heat of Liquor devised the Death of an old Woman and two Men, one of whom being present he knocked out his Brains with a Glass Bottle, and afterwards dragged him by the Tail of a Horse, a Stone's Throw off from the Huts, into the Woods, where your Petitioner saw him in his Walks out, and would have buried him, could he have procured a proper Tool ; which he might have effected with Safety, as the *Indians* avoid the Sight of such Spectacles, and are much afraid of the Spirits of these Victims sacrificed to their Passions ; and had immediately removed their Huts a Quarter of a Mile off, and lighted several Fires every Night for some Time. This is the unhappy Effect of our Trade with them. Though, in their Licences, Traders are restrained from selling Rum, agreeable to the Treaty General *Oglethorpe* he believes
made

made with them, when the old Men of the *Creek* Nation requesting the Prohibition of this Commodity, assigned a very substantial Reason, lest their young Men intoxicate themselves and breed Quarrels with the Great King's People, and occasion War and Bloodshed. There was another Article in that Treaty, That of their having sealed Weights and Measures sent up to each of their Towns ; which, he believes, are not made Use of in any Store ; and almost all the Conditions the Traders are bound to in their Licences which he has seen, are not observed by them. By this Commodity of Rum alone, we may be said to conquer large Provinces, but, as Lord *Bacon* says, not settle them ; we dispeople them at the same Time we are, in Appearance, stocking the Land with Inhabitants.

That the Natives, by their Methods of Life, have, especially in *Florida*, kept the wild Beasts from encreasing ; and, by burning the Woods every Year, have occasioned even a Scarcity of venomous Creatures. This is a Reason delivered of old by the *Jewish* Lawgiver for the Non-destruction of the *Canaanites* ; and your Petitioner wishes it may be urged for the Preservation of the *Creeks*, and other *Indian* Nations bordering on our own Settlements ; and, as he has also had full Proof of the beneficial Trade now carried on, and which may be increased by the civilising of them it is to be hoped that Self-Interest may conduce to the same End. Their Sense of the Utility of the Proposals arising from such Sentiments appeared in this same Murderer *Niatokowki*, who was with him just after the Commitment of the Murder, and sat very friendly with him at this *Indian* Town, and came twice to his Settlement with his Skins for Trade ; and, at the latter Time, pressed him much to take them, and keep them till he had Goods agreeable to his Wants.

That having engaged *Andrew Barnet*, who keeps a Store at this Place, to go with your Petitioner to St. *Mark's*, who also took an *Indian*, as an Assistant, to kill some Game, and as a Mark of being friendly with the *Creeks*, should he meet with any on the Road he proceeded on his Journey, being five in Company, his
own

own Servant, and a Carpenter, bound to *Pensacola*, who desired Liberty to join him for safe Conduct, being the other two; the second Day he arrived on the Banks of a River, which runs from the North Southward into the Bay of *Mexico*, called there *Little Savannah*, but, in some Maps, he believes, the *Carolinian River*. Your Petitioner passed it in a Canoe kept by the *Indians*, whose Town he came to in a Quarter of a Mile off by Land on the Banks of the same River, but about a Mile further up by Water. He alighted at one of the first Huts; but was soon after sent for by the head Man of that Tribe, who bears the Name of the *White King*: he went immediately to his Hut, and found him, with six or seven other stout *Indians*, sitting on their Couches of Repose. The Chief enquired of the Reason of our Journey, and at first seemed to object to our proceeding farther; but, after some Time, on alledging the Intention was only to go to St. *Mark's* and *Pensacola*, to order a Ship, lately arrived there, to sail round to *Savannah*, in *Georgia*, he seemed to say nothing further. Soon after there was served up some Venison dressed with Bear's Oil, and a Bowl of China-Briar-Root Soup; with which your Petitioner and his Attendants having refreshed themselves, he retired, to find out a Place for encamping that Night; which he did at a small Space off from the *Indians'* Huts, when your Petitioner disengaged his Horses of the few Neccessaries, and placed them on the Ground near the Fire. *Barnet*, the *Indian* Trader, who, being jealous of your Petitioner's Interest with the *Indians* in general, would not inform them, though requested by him, of his Name, and Place of Residence, and some other Representation he thought necessary, retired from him, to drive some Bargains with the *Indians* for his own Benefit, having brought some little Trifles for that Purpose; but that your Petitioner had proposed paying for them, and to present them as a Compliment, but was disappointed therein by the Jealousy of the *Indian* Trader, who was his only Interpreter. In the mean Time, while the Trader was absent, the young *Indians* of the Village came down to his Camp, where only himself and one Servant were, and they began to be rather rudely inclined, and wanted to open his little Parcels of Cloaths,

Cloaths, and some few Neccessaries that he had there lying on the Ground, on which your Petitioner was obliged to exert himself in the following Manner : — He desired them, by significant Motions, to sit down, and, with a Stick, described on the Sand the River St. John's, pointed out the Road to St. Augustine, and the Spot of your Petitioner's Settlement, where the Creek Indians he hinted passed in their Way to that Place, and, were entertained, which he did by pointing to the Mouth, by the *Squire* — a Name affixed to General Oglethorpe formerly, and which was now given to your Petitioner — That some Way above your Petitioner's Settlement there lived one *Sekiki*, an *Indian*, with two Squaws, who came to see him, and were his Friends ; as also one *Philoki*, and his Squaw, and two Sons, the *Long Warrior*, the *Cowkeeper*, &c. all the Names of the *Indians* he knew, and had been entertained by him at his Settlement, were all in strict Friendship with him, which he described by joining his two Hands together, pointing to his Lips, and then to his Heart ; by which your Petitioner soon found they understood him, for they afterwards sat down very quietly, only expressing rather Pleasure, and, on the Return of his Interpreter, found they invited him up to a Dance, which they use on the Arrival of Strangers, and the whole Village joined in it till about Eleven o'Clock : the Chiefs came down likewise, and they seemed to be also in a very agreeable Humour, and set and discoursed with the Interpreter, but who still persisted in not communicating any Thing ; your Petitioner should say to them ; however, he conversed by Signs, in the same Manner as abovementioned, with one of the old *Indians*, whom your Petitioner could find understood him pretty well, and did not doubt informed the Chiefs thereof. — Your Petitioner, the next Day, set out on his Journey to St. Mark's, where he arrived in four Days, and was received very politely by the Commandant, Mr. Lieutenant *Pompillione*, who he found had been so obliging as to forward a Letter to a Merchant at *Pensacola*, at his Request, which your Petitioner had, some Time before, sent to him ; which was for the Care of the Settlers expected from *England*, should they put in there, and ordering them

to come round the Cape to the Settlement on St. John's River, by the Way of *Savannah*. — On almost a Certainty of his Letters safe Arrival at *Pensacola*, alledged by Mr. *Pompillione*, it was not incumbent on your Petitioner to proceed thither, but to hasten his Return, to prepare Houses for the new Inhabitants; he therefore, after resting a few Days, and having been kindly entertained by the Commandant and Mr. Ensign *Hawkins*, proceeded to a Return. He must here remark, that* all what he had feared to risk his Settlers in would have happened, — *Indians* to whom he, at that Time, would have been unknown, would certainly have obstructed his Passage — St. Mark's, the Place of Settlement — a small three-cornered Spot of Ground, confined between two Rivers — a Fort unfinished, of no Strength, though sixty Men in Garrison — one Bastion only of, he supposes, three intended, being partly built — the *Indians* jealous of the least Garden outside this purposed triangular Fortrefs — and the Garrison itself, at that Time, in Distress for Provision, having five Days' Allowance for seven — the little Prospect there was in this Situation, after seven Months' Residence, will, is presumed, alleviate the heavy Charge that was to have been transmitted against him to the honourable Board of Trade, for an Alteration of Mind on a presumptive Prudence now evinced to have been really well founded. — On your Petitioner's Return to the second *Indian* Town mentioned above, on the Banks of the *Little Savannah*, he found the Town nearly deserted by the Men, only one or two old Men, with the Women, being left therein; they were gone to meet the *Indians* of the first Town, called *Latchaway*, to play at some Diversion of the Ball; but learnt also on the Road another Reason had detained them longer abroad, which was the unfortunate Commerce of Rum. During the twelve Days' Absence from that Place, in his Way forwards, the two Parties had emptied eighteen Casks of that Liquor at *Latchaway*. — He met several of

the

* See Page () the Petitioner's Objections to proceeding to St. Mark's, mentioned to the Governor on his Arrival, before he could have, or the Governor himself had, an Opportunity of Council with the *Indians*.

the *Savannah Indians* on their Return at different Times, when he always first accosted them, though in that overheated Condition, and met with the kindest Return ; the *White King* especially seemed much pleased. — At *Latchaway* he found the Chiefs, which he did not see when he went forward, but were now returned from their grand Hunt at the *Cape* — they came up to *Barnet's* Hut, where your Petitioner was set to repose, to see him, and were very fond of discoursing with him ; but *Barnet's* Jealousy would not permit a free Conversation. Your Petitioner treated them on Coffee, which they are fond of, and then feigned a Wearisomeness, and Desire of sleeping ; but they pressed him much to sit up and converse, but, finding it to no Purpose, at length lay down to sleep. — They asked him to come and drink Black Drink with them the next Day, which is a Liquor they make of the Plant *Casseua* it is said, when they have a Mind to have a *Talk*, as they call it, on any Affairs ; but being acquainted the next Day, whether true or not it is doubtful, by *Barnet*, that the Place where they met was a Mile or more back on the Road your Petitioner came from *St. Mark's*, he then chose to hasten back to his Settlement, where he arrived the next Day, quite unexpected, after an Absence of about nineteen Days, wherein he had traversed about four hundred Miles ; — but much to the Satisfaction of your Petitioner, — in the Confirmation of his own Prudence and Foresight, objected to by the Governor — a thorough Conviction of the *Indian* Friendship — and in the Enjoyment of the Sight of a most fertile and agreeable Country, Part of it the most perfect natural Garden in his Majesty's Territories, and which will hereafter, probably, produce the most beneficial Return to the Mother Country.

On his Return he found a Deputy Surveyor, whose Name was *Funk*, who had been sent over by the Governor and Surveyor General, and had, the whole Time of his Absence, been inspecting the Plot of Land he was upon, and it's Neighbourhood, and, after the Continuance of a few Days more, set out with a Plan of the same to *St. Augustine*, to wait on the Governor and Surveyor General with it.

The Governor's Letter of the 15th of *June* notices the Receipt of two Letters from your Petitioner of the 6th and 13th. Date : — The former relating his Expedition to St. *Mark's*, — a Question about a River called *Calasabche*, and Bay of *Tampa*, — and also another about the *Indian* Trading-houses already settled, and Privilege for one your Petitioner might encourage, — concerning the pernicious Effects of Rum your Petitioner had seen ; — and the latter Letter, sent by Mr. *Funk*, relating to the locating his Grant. The Governor, in this his Answer to the foregoing Points, sent him a Note in Mr. *De Brahem's*, the Surveyor General's own Hand-Writing, but did not clear up the Point your Petitioner wished to have had, which might have been useful to the Government in some future Time ; but which Supposition, he must say, was not disclosed in his Question : But the indeterminate Answer, as to the *Indian* Stores already licensed, and of that particularly requested by your Petitioner, shewed a Caution in the Governor, and there was feared a Clause de Reserve against any *positive Request* on your Petitioner's Part ; for the very Thing sought after in your Petitioner's Question is rather avoided. As to the Point of Rum, the Governor reasons in these Words : “ I am
“ much of your Opinion, that Rum is hurtful. It
“ is to be hoped Means will be fallen upon to put a
“ Stop to that very detrimental, I may say, iniquitous
“ Branch of the *Indian* Trade. These have been always
“ my Sentiments ; and, when Mr. *Stewart* arrives, new
“ Regulations shall be made about it ; but, till he
“ comes, I do not chuse to make any Innovations, for
“ fear of counteracting what he may have settled ; but
“ be assured I have what you point out, with Regard to
“ Rum, very strongly at Heart.” That the Plan sent of Part of St. *John's* River, where he resided, had been examined, and your Petitioner's Proposal of running out his Grant esteemed not agreeable to the King's Instructions. This Opinion of the Governor's was forgot in a small Time afterwards, when several of the lower Class of *Indians* (if they might be called so) had the fatal Present of Rum, and brought it to his Settlement, as mentioned before, and were as likely as any to break it up
under

under such Circumstances of Liquor. The Governor did not mention in his Letters concerning this Delivery of Rum, though your Petitioner mentioned it in his to the Governor; but he heard the *Indian* Interpreter, called *Elsenor*, say, that the Governor had at that Time asked him whether any Rum had been given to the *Indians* at that Time; he told him that there was, and by his, the Governor's Order.

The Governor also mentions, that the Line of Direction in Mr. *Middleton's* Tract, granted by Mr. *Boone*, Governor of *South-Carolina*, was shewn by Mr. *Funk*, and that it appeared to, Governor *Grant*, most exceedingly irregular. — Mr. *Funk*, the Surveyor, returned with the above Letter the 16th or 17th, — made further Observations on the Quality of the Land, — and endeavoured to point out the Method how to run it out with Propriety to the Governor's Opinion, and a competent Share of good Land for the Grantee. June 22d, your Petitioner went down the River with Mr. *Spalding* *, to look for his Boat coming from *Savannah*, freighted with Provision and Store Necessaries, entirely for your Petitioner. They met it about seventy Miles below, when, Mr. *Spalding* finding no Rum freighted for himself, only two Casks of one hundred and ten Gallons each, being entirely for your Petitioner, knowing your Petitioner would not part with any to him, for Trade with the *Indians* he took the Boat they came in, and went down to purchase a Cask of Rum of a Person who kept a Store some Miles below. Your Petitioner, in proceeding back in a small Canoe after the large Boat freighted for his Settlement, which was sailed some Way before, having two small Lads with him, he was shot at by two different Persons, he believes. He called, on the first Shot, to the Person that fired, thinking it might be a Signal for Want of something; but on Recollection, lest it might be some Person fled from *Augustine* for some Misdemeanour, and wanted a Boat to pass the River, and go off to *West-Florida*, he thought it prudent to keep on, as he had only two small Lads with him to defend the Boat if there should be an

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Assault

* Keeper of the *Indian* Store.

Assault on their going ashore ; but on the second .Shot one of the Lads heard the Ball in the Air, and saw the Bullet fall in the Water about ten Yards beyond the Boat, but which had passed but five Yards short of it's Stern.—The Remark worthy on this Point is the Danger of rifled-barrel Guns falling into the Hands of the *Indians*, this being about a Furlong Distance, as was supposed ; and a white Hunter, who was at his Settlement, told your Petitioner he could make sure of a large Object at Rest at that Distance with such a Gun. — *Indians* are so very expert with the common *Birmingham* Guns ; — and *Whites* may kill their Game with the better common Sort. That your Petitioner, as before-mentioned, left it as a Question to the Governor, whether a Prohibition of those rifled-barrel Guns in *Whites'* Hands might not be a prudent Caution, to prevent their getting into *Indian* Possession. — These Shot came, as beforementioned, from some of a Party whereof your Petitioner's former Hunter was one ; but were intended only as Signals to a Boat they expected with Rum for their Use in the Hunt, and not designed at your Petitioner, as he was not known to have been in that Part of the River.

On the Arrival of this Boat at your Petitioner's Settlement, and also Mr. *Spalding*, who overtook, and arrived with your Petitioner, many *Indians* appeared in waiting, expecting his Return for Rum, and also your Petitioner's Ship from *England*, which they supposed would produce Rarities for their Trade. On this was shewn a great Instance of their good Inclination towards your Petitioner. They saw the two Casks of one hundred and ten Gallons of Rum landed, and knew it to be such, of which they were to have none they also knew by the Rules he had prescribed. — The Trader had but a small Cask with him, too little for the Wants of so many. — The *Indians*, though disappointed in your Petitioner's Vessel not being arrived from *England*, yet received his small Entertainment, and a little Recruit of Corn, with Satisfaction.—The Trader, angry at a View of the Temper of the *Indians* towards your Petitioner, said, he must remove his Store from this Neighbourhood,

hood, and imprudently, if not by Design, charged the *Indians* with having stolen one of their Horses from *Augustine*, which they might then here taken for on Information from your Petitioner; and after he went up with them to his Store, to distribute his Rum, there came a Report of their Intention to attack your Petitioner's Settlement for his Rum. Lest the Power of the Storekeeper's Rum, and a little Instigation from the Jealousy of the Storekeeper of a Preference to your Petitioner, might engage the poor *Indians* under such Influence in so unhappy an Expedition, your Petitioner, constantly watchful over his Settlers against Machinations on all Sides, on this Account he buried his Rum-Casks, &c. after his Settlers were retired to Sleep, kept two or three Fires lighted the Residue of the Night, and attended them himself, to convince the *Indians*, if any came with bad Intentions, that the Settlement was on it's Guard, which continued for a Week, till the Fire of the Storekeeper's Rum was spent, he feared no longer, and, indeed, used it only as a necessary Caution, not as in Fear of an Attack. The other Circumstances mentioned before, shewed it least to be feared from the poor *Indians*, if the *Whites* were not the Instigators.

On the 5th of *July* your Petitioner's Ship-load of Settlers arrived from *England*, after a long Passage round to *St. Mark's*, imagining he had settled on that Coast, were obliged, on not being able to get in there, to put into *Pensacola*, where Letters directed them to *Savannah*, from which Place they came in a hired Schooner to the Settlement on *St. John's River, East-Florida*, where they arrived in good Health. The Master of the Schooner having Business at *St. Augustine*, your Petitioner sent a Letter by him to the Governor, requesting Permission for his being admitted to make Oath of his receiving these Settlers from the Hands of the Master of the Vessel, who had brought them from *England*. His Information that they were on your Petitioner's Account, and that, pursuant to his Letter, he had conducted them to your Petitioner's Settlement, and had delivered them to him in Person, --- that such Certificate might be registered at *Augustine*, agreeable to the Spirit of the Proclamation, lest any might die after the Charge of Importation,

portation had been borne by your Petitioner, and the Expence of fulfilling the Terms of the Grant enhanced to him for Want of the proper Registry in Time.

The Clause referred to in the Proclamation is this :

“ That when any Person, who shall hereafter take up,
 “ and patent any Land, shall have seated, planted, and
 “ cultivated, or improved the said Land, or any Part
 “ of it, according to the Directions and Conditions
 “ abovementioned, such Patentee may make Proof of
 “ such seating, planting, and Cultivation, or Improve-
 “ ment, in any Court of Record in the said Province, or
 “ in the Court of the County, District, or Precinct
 “ where such Land shall be, and have such Proof *certified*
 “ to the Register and Secretary’s Office, and there enter-
 “ ed, with the Record of the said Patent ; a Copy of
 “ which shall be admitted, on any Trial to prove the
 “ seating and planting of such Land.”

July 8, 1765. The Governor’s Letter of the 8th of July answers this Request, thus : “ No Court of Ju-
 “ dicature has any Thing to do with the Arrival of your
 “ Settlers : The Master of the Schooner, at any Rate,
 “ is not the proper Person to give an Affidavit about
 “ them. If you wish to be provided with proper Ma-
 “ terials to ascertain the Arrival of your Settlers in this
 “ Province, in Case your Compliance with the Terms
 “ of the Grant to be made out in Obedience to his
 “ Majesty’s Order in Council should hereafter be dis-
 “ puted, the Attorney General says, that either you,
 “ or your Agent, should make Oath before a Justice of
 “ the Peace, that such a Number of People arrived at
 “ such a Time in the Province of *East-Florida*, and
 “ were brought into the Province at your Expence, in
 “ order to settle upon your Estate, and that you, or
 “ your Agent, should get a Certificate to that Purpose
 “ from the Justice of Peace ; but those are Points of
 “ Law, with which I have really nothing to do.”

Your Petitioner begs Leave to submit his Sentiments of the Captain of the Schooner’s being more independent, consequently, more probably, true Assertor of this Circumstance than either your Petitioner or his Agent who were interested in the Colony. — The Delay of a Day, after the Expence of Importation, might

might occasion a double Expence of supplying the Place of any dead, or any seduced away. — The former happened soon after this Refusal, as your Petitioner acquainted the Governor; the latter was also foretold, and your Petitioner had Reason, when a Justice of the Peace, naval Officer, and Register, who was suspected to have made a Visit, not entirely of Compliment to him, but as Inspector of his Transactions in the Province, when such had made Attempts to injure his Settlement, as beforementioned *, the entertained at it in the best Manner your Petitioner could. — To this the Governor answers in this same Letter, that nothing but Indentures on the Settlers could prevent Seduction, the Governor himself paying Dollars a Day, and to a Carpenter a Dollar and an Half. Such Things, when known, would incline Settlers to leave his Settlement. This, doubtless, appeared a good Argument your Petitioner could not controvert, though, in some Instances, Persons were desirous, and some did learn these high Wages at St. *Augustine*, and came and worked for moderate Hire at this parsimonious Settlement on St. *John's* River, and the former, who wished to come, were detained by the most powerful and specious Invitations. Your Petitioner did not attempt to seduce, but requested only the Countenance of a powerful Protection to his Settlement, which would have prevented any Breach of Hospitality by Justices of Peace, and Persons of higher Rank, in seducing those People that were to be termed actual Settlers of your Petitioner's. The Governor's Intimation at his own Table, when he saw, perhaps, the whole Corps of Officers, and the Gentry of the Town, once a Week, would, your Petitioner is well satisfied, have had it's due Influence to prevent such Injustice; but it seemed too impertinent in him to propose such a Remedy, but could not but think it must occur to Persons of superior Penetration. The Governor also adds, in the above Letter, — if the Surveyor had finished his Survey according to his Instructions, either your Petitioner, or his Agent, with proper Powers, should come to Town to take out his Grant; and

* See Page ()

and also says, your Petitioner, should not mind the Reports of the *Indians* in his Neighbourhood, they were not of Weight in their Nation, and that your Petitioner should not talk to them about Settlements. The Report was, that the white Person who went from St. Mark's to *Pensacola*, had been murdered by the *Indians*; which gave some Uneasiness to the *Indian Schiki*, who lives just above your Petitioner's Settlement, and was nearly quitting his little Settlement on this Report, for Fear of the Retaliation of the Whites on him; and that some Intimations of Displeasure had been shewn against your Petitioner's new Settlement, but which he imagines proceeded from the Jealousy of the Storekeepers. Your Petitioner would have persuaded *Schiki* to come to him, with his Family, and he would defend them from Injury, but he soon after was better satisfied. However, your Petitioner thought it adviseable, in his Situation, to secure his Settlement from Harm, which he knew prior Acts of Kindness will nearly at all Times effect, even on the most savage Disposition; he dispatched two of his People to *Latchaway* with a small Present, about eleven or twelve Shillings worth perhaps, to the Chief called the *Cowkeeper*, and his Squaw, having never seen them at his Settlement to entertain them; and his People returned the fourth Day, and he found had been kindly received. As for talking to them about Settlements, there was only your Petitioner's above *Picolata* Fort; this they had permitted him to make, and he was to preserve their Affections by all Methods of Endearment, which he did by very inconsiderable trifling Presents; a Guinea's Worth might be the utmost on the Whole. It was the Method that wrought on them, a personal Inclination to serve and assist them, and a chearful Appearance at the Time of doing them little Services were Indications to the sensible *Indians*, not the savage Barbarian, sufficient, to civilize them; and wrought a Beneficence in such Hearts above the Power of Rum, denied them by your Petitioner, but given by the Governor; for they have complained to your Petitioner at the same Time, though they had Rum given to them, that
their

their Entertainment, as to Provisions, was very indifferent at *St. Augustine* ; by relating which your Petitioner would presume to infer, that the relieving the Necessities of Nature would more infinitely oblige the *Indian*, than all the Presents of Luxury, and make a more lasting Impression. This was evident in himself, who gave no Rum, their greatest Delight in Debauch ; and, perhaps, a Couple of Quarts of *Indian Corn*, Value seven Farthings ; the same of Rice, Value three Pence Halfpenny ; half a Pound of Muscavado Sugar, Value two Pence ; is a Present sufficient for a King and his Train to proceed on their Hunt ; in all seven Pence Farthing, or, perhaps, at a common Value, it may not exceed the Value of six Pence. Hereby the Means of Civilization is procured at an easy Expence, their Strength not impaired, but renewed, to the Preservation of the *British* Inhabitant, by diminishing the Number of wild Beasts and venomous Insects, the procuring the beneficial Skin-Trade, without the white Settler's entering into that idle Way of Life. This establishes, that overthrows, Settlements.

That Mr. *Funk*, the Surveyor, went on in his Observations on the Land ; he drew out an exact Plan of the Land, between two large Creeks which come from the East, and fall into the River *St. John's*, the one four Miles above your Petitioner's Plantation, the other eight or ten Miles below it ; and a Line drawn from six Miles up the latter, where your Petitioner passes it to go to *St. Augustine*, about eight Miles from his Settlement to the Lower End of a great Lake, to which the former Creek is an Outlet ; about six Miles from it's aforesaid Mouth, and about the same Distance from his Settlement, containing forty-seven thousand one hundred and forty Acres, specifying particularly the several Sorts of Ground, as *per* Schedule annexed ; amounting to two thousand seven hundred and ten Acres of good Swamp, two hundred and forty of clear Marsh, five hundred and twenty good dry Land, in all three thousand four hundred and seventy ; the Residue, of the forty seven thousand one hundred and forty, is called Pine-Barren, or Pine Land, and bitter Bay Gauls, bearing the
Loblolly

Loblolly Bay. By the Plan laid before the Right Honourable Board, it will appear that your Petitioner cannot make out his twenty thousand Acres in any Manner whatsoever, in one contiguous Lot, so as to include more good Land than in the said Plan, which Plan, though, if the whole Number of Acres of good Land in the forty-seven thousand one hundred and forty were included in the twenty thousand, it would be still disproportionable in the bad Acres to the Planter ; but which Plan is, nevertheless, esteemed inadmissible. The Deputy Surveyor seemed to think his Orders were much stricter than in *Georgia* ; he was not to permit the Side-lines of the Grants to pass near navigable Streams, or so as to include any of the good Land bordering on such Streams, nor to pass the further Ends of such Tract* over any navigable *Creeks*, whereon their might be good Swamps also. The Orders for plotting the Grants having a good Reason for such Policy, but the Practice thereof precisely would militate against the Settlement of the Colony ; the Rivers having many different Turnings, the taking the Front-lines on the River, and running the Side-lines back into the Land, would still interfere with Lots run on another Turn of the River, and cannot be avoided. The only Method that could be pursued to have all the Lands taken up and none omitted, would be to plot the Whole in different Quantities, according as the good and bad Land might be intermixed, and the Whole granted in such certain Lots, whatever they may amount to, as by the Plan following :

* See Page () the Governor says, and also Page () the Surveyor General says, your Petitioner may pass certain Creeks, where it was previously known there was no good Land.

Lot of 20,000 Acres

Lot of 10,000 Acres

Lot of 5,000 Acres

Lot of 6,000 Acres

Lot of 10,000 Acres

Lot of 15,000 Acres

Lot of 5,500 Acres

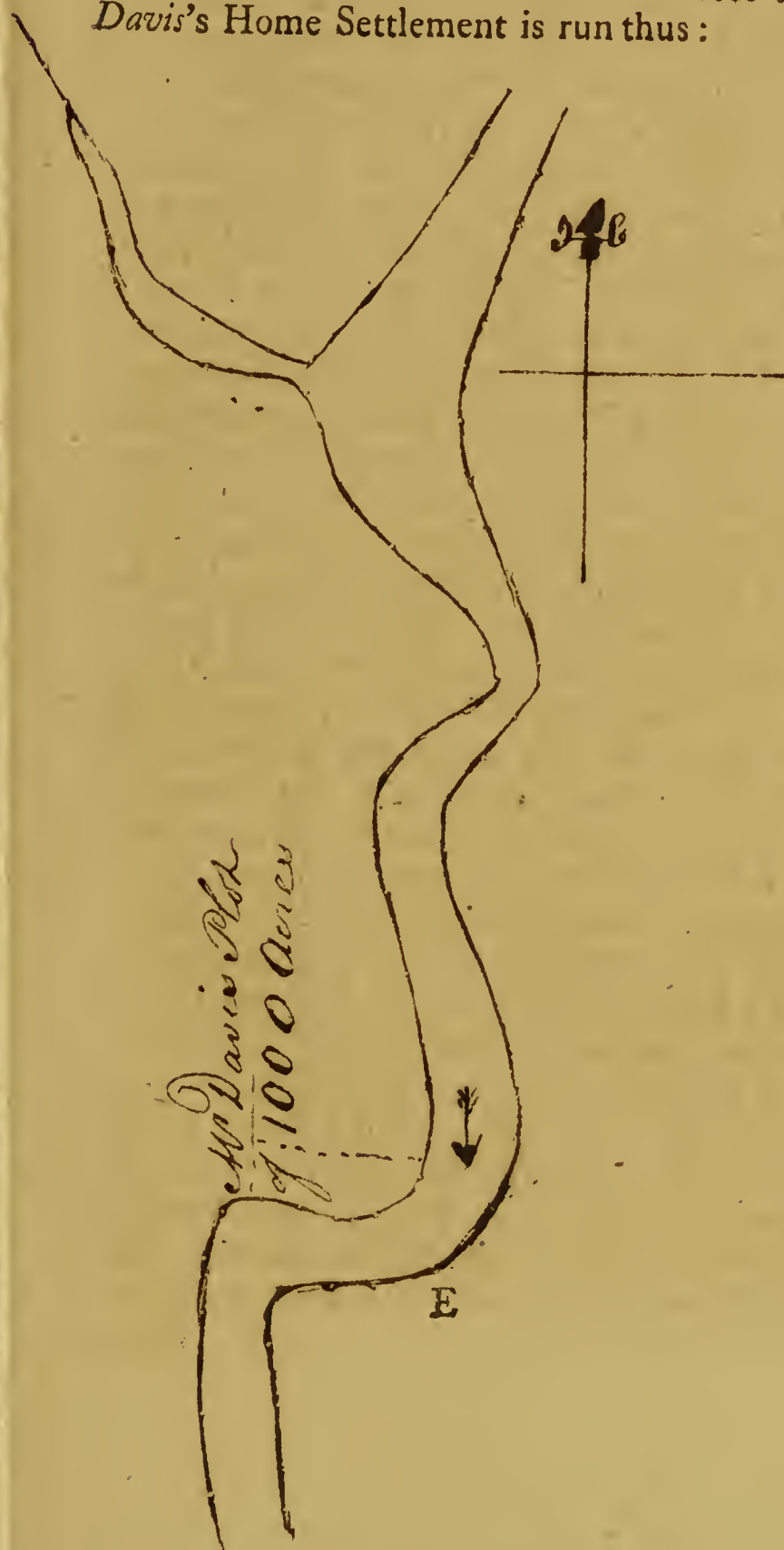
Lot of 11,000 Acres

Or

Or, as the River *St. John's*, in it's general Course, flows from the South to the North, the Grants of the Lands shall have their Front-lines on the said River, and directed back into the Land directly East or West; and each Plot the Surveyor shall form either larger or smaller, so as to include a proportionable Mixture of the good and bad Land. Your Petitioner remarks this, as the only Method he knows, for an intire Grant of the Banks of navigable Streams or Rivers; it cannot be intire according to the present Terms, if precisely followed, and the Grantees still chusing their Land, by which large Spots on the Banks of the navigable River will be left unpossessed in the King's Hands, for which no Quit-Rent will be paid as on *St. John's* River, within the Plan proposed by your Petitioner to run his Grant, there is a Pine-Barren, continued for some Miles on the Bank of the River, which no Settler whatever will take any Grant on. In the said Plan, sent by the Deputy Surveyor to the Governor and Surveyor General, the Front-line is upon the River, where it lies East and West; if any smaller Plots, such as five hundred to two or three thousand Acres, having their Front-lines on one Part or other of that same Front-line they would have been permitted to be run in the same Direction; and whatever Plot was so taken up, next to where the Point is formed by the River, must bear it's Side-Line on the River: For at a Point of the River, and many there are where the River makes a right Angle in it's Course, no Tract can be taken up without it's having both it's Side-line, as well as Back-line, on the River. There are two Cases mentioned on the Plan laid now before your Lordships, wherein Mr. *Moultrie* and Mr. *Kinlaugh*, two Gentlemen of *Carolina*, were promised by the Governor two Tracts of Land; the Sides of which would have been on that navigable Creek, or rather large River; it may be called big enough for considerable Schooners to sail on, and perhaps both their Base and End-lines on the great River or Lake, when a more precise Measure might be taken; and also at another Place below, at a Turn of the River, where it forms a deep Bay, the

Side-

Side-line of fifteen hundred Acres, *promised* to a Family called *Grey*, was intended to be run about seventy Miles below your Petitioner's Settlement. Mr. *Davis*, who had a considerable Number of Negroes, had the Grant, as beforementioned, passed, for, I think, one thousand Acres of Land; which must be for himself and eighteen Negroes, and about eight Miles distant, as I think he told me, the Governor had promised him a Lot, perhaps for the Residue of his Family and Negroes, whereon he intended to erect a Mill. Mr. *Davis's* Home Settlement is run thus:



By this it appears, that your Petitioner, who engages to be at the Expence of strengthening the Colony, with the Importation of two hundred Whites, of whose Labour he can have the Profit himself only for a very few Years, has not the same Privilege that these Persons mentioned have, in bringing Negroes into the Country, at a Small Expence, whose Labour is for Life, or saleable after the Term of three Years is expired; in which Time the Land is settled Secure from Forfeit, and by bringing them at different Times, takes up altogether good Land, in separate Parcels, without an Intermixture of the poorer and more barren Soils; and to these are shewn a different Inclination to accommodate the Settlers, from what has been exhibited throughout to your Petitioner, who, chiefly from the Opposition met with, was nearly at two thousand Pounds Expence, in establishing his Settlement in Peace and Plenty, but which he did effect nevertheless maugre all the Obstacles to it. These may have separate Plots of Land. Though your Petitioner had shewn the greatest Desire of settling, with the most beneficial Views to the Province, the establishing a Town of Artificers in the Heart of the Province, Provision for the Education of Children, and the Cultivation of Christianity, free from Enthusiasm; the Civilization of *Indians*, the Fidelity of Slaves, preserved on Principle; a Library of Agriculture, Botany, Gardening, Mechanics, and of such Learning as appears more peculiarly adapted to the *American* Planter; and, above all, the strengthening this Frontier Province of *East-Florida* against any Enemy at a future Time, by well stocking it with white Inhabitants. To such a Settler who vainly imagines these Things, form such Projects, but who was certainly at the Expence of this Undertaking, not disagreeable, perhaps, to the Views of Government at Home, the Face of the executive Part of Government on the Colony was set against. He could not obtain Leave to purchase a few hundred Acres of indifferent Land, to the Prejudice of no other Settlers, as a healthy high Spot, to place his Town on, the Endowment of a School, and the Appropriation for a Church-Minister.

Though

Though the Governor's Proclamation says, " And in
 " Case any Person, applying as aforesaid, shall be
 " desirous to take up a larger Quantity of Land than
 " the Family Right intitles such Person to, upon
 " shewing a Probability of Cultivation an additional
 " Number of Acres, not exceeding one Thousand, may
 " be obtained, upon paying to the Receiver of the Quit-
 " Rents the Sum of Five Shillings, Sterling, for
 " every fifty Acres of such additional Grant, on the
 " Day of the Date of such Grant."

To Mr. *Davies* was a Grant of a separate Tract of Land promised. To him, Mr. *Moultrie*, Mr. *Kinlaugh*, and Mr. *Grey*, were Tracts of Land allowed; and whose Sides were on the greater River of *St. John's*, or a Creek equally navigable with that River; and though your Petitioner had been at the Expence of surveying the West Side of the River, and shewed an Inclination to the Governor of having his Tract of twenty thousand Acres on that Side, provided it was free from any former Grant to Colonel *Middleton*, as supposed, or *Indian* Claim; yet when it became necessary, for your Petitioner was obliged to speak, as Promises were making of Land, previous to the Power of granting had been allowed of by the *Indians*, there appeared a Promise to Colonel *Middleton*, if he would solicit agreeable to the Proclamation, he should have that Land granted to him, by the Governor of *East-Florida*, and he was allowed three Months' Time to consider on it; at the same Time intimating to your Petitioner, that another Answer would have been given to Colonel *Middleton* by him, the Governor, if he had known your Petitioner's Inclination to that Tract.

In the whole Tract of forty-seven thousand one hundred and forty Acres, surveyed by the sworn Deputy-Surveyor, there are but twenty-three Peices of good Land, measuring together three thousand four hundred and seventy Acres, of which, except one long Piece of Swamp of between four and five Miles in Length, containing one thousand Acres, four other Pieces of five hundred and sixty, two hundred and fifty, two hundred and

and forty and two hundred, the remaining Pieces of good Land are but small in any one Place, and these larger Pieces cannot be run out without taking larger Plots of Pine-Barren, or poor Land, with them in general. Your Petitioner believes the larger Plot of one thousand Acres may be run out, according to the precise Rules of taking the Base Line on the navigable Stream, and running the Line directly on a Square, three back to one in Front, a Plot of five thousand Acres might include the Whole of that thousand Acres of good Land. — It is to be observed, that no Part of this Piece of one thousand Acres is included in the Plan proposed to the Governor by your Petitioner for his twenty thousand Acres; — yet, this is not esteemed admissible. — If your Petitioner had not seated himself on this Land, he much doubts whether any other Person would have set down where his Town or Village is. — The Swamp adjoining above it would have tempted a Person to have solicited a Grant, he supposes, of Land, from five hundred to one thousand Acres. On a short Turn of the River, below the Town, there is a narrow Neck of Land, which may be inclosed by a Fence of about half a Mile in Length, which would induce another to solicit for a Grant of three hundred Acres, including, as by the Schedule appears, about eighty Acres of good high Land, and thirty Acres of Swamp. — Lower down, at the greater Bend of the River, if the Side Lines were permitted to run on the River, there are large Tracts of good Land might be run out; as also where Mr. Kinlaugh has chose his three thousand Acres above, on *Dunn's Creek*, where the Pieces, as by the Schedule, of $\times 240$ — O 360 — M 70 N 20, in all six hundred and ninety; or, if the Piece L is added of fifty, perhaps seven hundred and forty, nearly a quarter Part of good Land would be included; but where *the Side Line* is run on a deep navigable Stream, call it River or Creek, it cannot alter it's Property of being navigable. Except in these three Cases, no other Land could be run out on your Petitioner's Survey, so as to be eligible but to single Persons, or small Families, whose Claims may be one, two, or three hundred Acres; and even then must include more Pine-Barren Land in general

general than they would chuse ; for there are very few Places where the good Swamp reaches farther from the River than Half a Mile ; and even fifty Acres, run agreeable to the Rules prescribed, will reach back to that Distance.

That your Petitioner sent a Letter to the Governor on *July 26, 1766*, wherein he first takes off the Imputation, in a Report of the *Indians* shooting at him, by informing him, that some white Person, then at his Settlement, had owned the Fact, he esteemed it as a proper Circumstance to be cleared up, for the Preservation of the *Indians*' Character, and for the future Peace and Security of Travellers. — It contained a Complaint that several Persons arrived at his Settlement together at that Time, with no good Design, — endeavouring to make that a Place to seduce the *Indian* Trader at *Latchaway, Barnet*, down hither, in order to seize him, and place him in the Prison of *Augustine* at the Suit of one *Piles*, who was one of the Parties, and had, heretofore, under such Confinement, pressed *Barnet* to give him a Bond for a very large Sum (about two thousand Pounds is imagined) when it was supposed, by most People, that there was nearly a Ballance of Account between them. — That *Piles* had endeavoured to inveigle away one of your Petitioner's Settlers, just imported, at a great Expence, though he had but barely turned his Back on your Petitioner's Table, where he had been entertained as a Merchant, with one *Davis*, the Son of a Planter, who had entertained your Petitioner once at his Settlement about fifty Miles lower down the River, and was a Deputy Surveyor to the Province. That this *Davis* also, took on him the Office of a Lawyer, by writing a threatening Letter in Behalf of *Upton*, your Petitioner's late Hunter, recommending, he supposes, a Prosecution, respecting the Use of one of his Horses, kept at your Petitioner's Settlement, to your Petitioner's great Detriment, by breaking his Fences, and otherwise, as mentioned. — That some of these Persons' Arrival a second Time occasioned also an Introduction of a Quantity of Rum by the Hunter *Upton*, the Effects of which had appeared in his proceeding to the shooting of one of

your Petitioner's Cows, glorying in the Fact, by sending two Negroes, who were sawing for him, and had seen him shoot it, but who, he told them, could not be Witnesses against him, to inform your Petitioner that he would shoot all his Stock of Cattle, Horses, Hogs, &c. — and, as he heard afterwards, he added also, he would shoot your Petitioner himself. — That an Attempt to seize his Person would be hazardous at present, while he would be on his Guard with a rifled barreled Gun, that would kill at a Furlong Distance. He therein mentions the strong presumptive Evidence, besides that of the Negroes', by one *Langley Briant*, who was near the Place where he shot at the Cows, and saw him just after, — and leaves it to the Governor's Discretion, as to what might be done. — Your Petitioner must remark, that this Reference to the Governor was agreeable to the Governor's Assertion of his Right over the Garrison of *Picolata*, in Preservation of the Peace, and Quiet of the Settlers in the Province, as aforementioned.

He concludes, that the Plan of the Land, with the Observations thereon, transmitted by the Deputy Surveyor, Mr. *Funk*, would convince the Governor of the Difficulties he was under, of running the Boundaries of his Grant consistent with the Rules the Governor prescribed, and that in the settling two hundred Persons, at a great Expence, he must consider their Conveniency, and an Equivalent for them with single Settlers, to be the just Due designed them by Government at Home, — in which was meant, that Grantees of twenty thousand Acres might have Land equally as good as single Settlers to settle the two hundred Persons upon, they were obligated to at a great Expence, — and that Government at Home would, on Representation, consider it, he thought, and should immediately proceed Home to make it.

Your Petitioner receives a Letter from the Governor, dated *July 30, 1766*, — wherein he first complains, that the Deputy Surveyor sent him, in the Beginning of *May*, at your Petitioner's Request, returned a few Days before, and had done nothing in the Business sent upon ;

upon ; — but mentions, nevertheless, that he received the Sketch of Part of the River St. *John's*, and of that Part of the Country your Petitioner had thought proper to fix himself for a Time. — That Mr. *De Brahm*, the Surveyor General, and himself, had considered it, and had transmitted Plans for running out Land ; and no other Method could be followed without deviating from his Majesty's Instructions. If any of the Plans were agreeable, your Petitioner, or his Agent, must come to Town, and apply to him in Council for a new Warrant of Survey, the old one being out of Date. — The Surveyor, Mr. *Funk*, sends also a Letter, dated the 29th of *July*, with these two following Plans :

In

In the Plan A there are included the Marsh and Swamp round it above the Village, of two hundred and ninety Acres, the Swamp below it about fifty Acres, — ditto at the *Orange Grove*, thirty Acres, and between three and four hundred Acres where marked, of good Swamp, in all little above seven hundred and twenty Acres of Swamp, and about eighty Acres at the *Orange Grove* below the Town of good higher Land. — Note, the large Savannah in this Plan is called poor Land in Mr. *Funk*, the Deputy Surveyor's Plan, in all

800 Good
19200 Poor

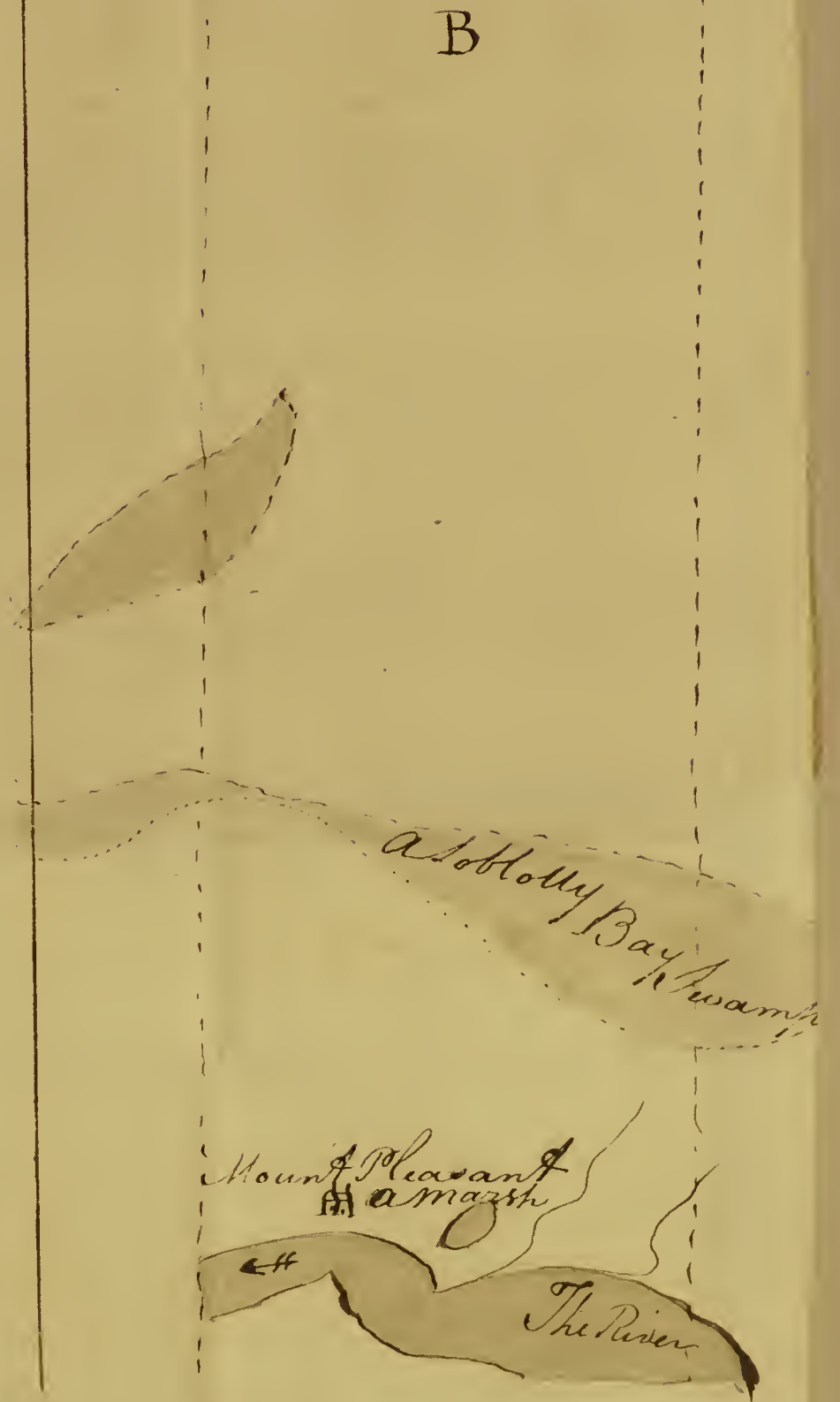
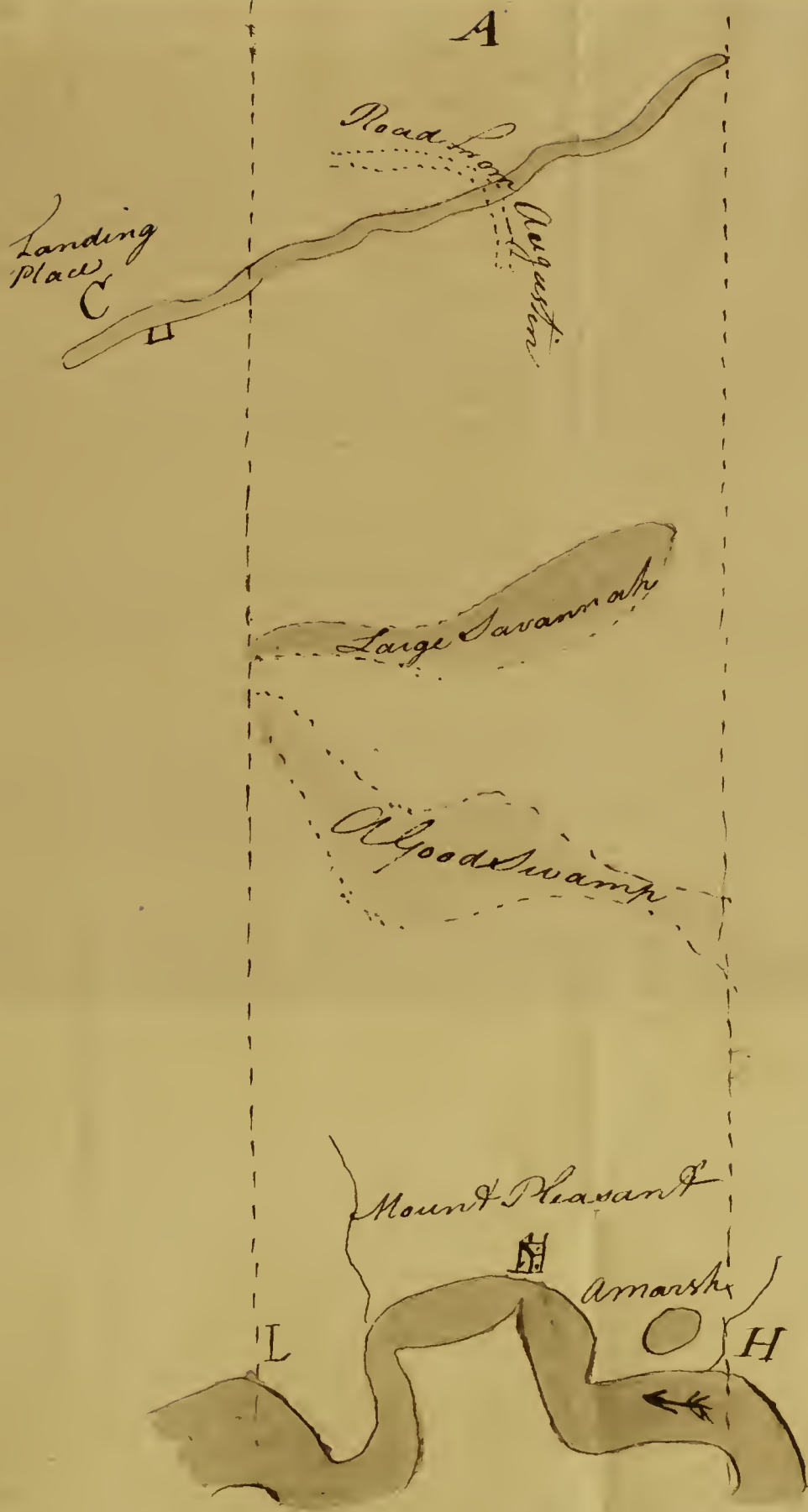
In the Plan B there are included the Marsh, and a Swamp round it, which amounts, as Mr. *Funk*'s Schedule mentions, to two hundred and ninety Acres, and two hundred Acres of good higher or dry Land above the Swamp, and about fifty Acres of Swamp below the Town or Village, which is

340 Swamp
200 Good dry Land

540 Good
19460 Poor or indifferent.

C. There is marked, in Mr. *Funk*'s Plan, a Place for landing, that is so far up as Boats can go. — This Convenience of a Navigation on the back Part of this Plan seems to be carefully avoided by the Advisor of it, — by a *prudent of Direction* for taking the Front Line or Base, on which the two Sides of the whole long Square is to be erected. — The higher Corner, marked *H*, we will suppose at the low-water Mark of the River, and the lower Corner, at *L*, at the high-water Mark, or any such small Difference as a Surveyor pleases, or is directed to do ; the Consequence, is the other End of the square Plot is carried some Miles higher up the Creek, on the Back Line.

Mr.



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Mr. *Funk* says, as to your Petitioner's Plan sent in, with Proposals of running it out, that the Governor and Surveyor can do nothing with it, that the two Plans are the only Ways the Plot can be run out, so as to include your Petitioner's Town, Mr. *De Brahm* had told him that he might cross the *Great Creek*. This seemed to be a Boon, for Mr. *Funk* had told your Petitioner, when he was surveying his Settlement, no Creeks were to be passed ; — but here happened to be no good Land beyond this Creek, which might probably have been enquired into, as before in the Case of the Proposal of running out of the Land at *Mount-Royal* : He proceeds, — That your Petitioner might have the Plot laid on *Dunn's Creek*, or the *Great Creek*, either of which the Side Lines might be run upon, having the Base or Front Line on the River. — This might be intended to break the Design of [a Town, to draw your Petitioner from the *Narrows*, the best adapted Place for it, as such a Disposition of two Sides on navigable Streams had been denied him in another Way, — he also adds, the Governor and Mr. *De Brahm* mention, that the Warrant of Survey must be renewed.

The Governor proceeds in his Letter abovementioned, to signify, that Woodsmen, in general, are extremely irregular in *America*, — which relates to *Upton*, the Hunter, shooting your Petitioners Cow, and threatening, in a most atrocious Manner, not only to kill all his Cattle, but, as mentioned, himself also. — As to your Petitioner's Reasonings thereon, he refers him, in the latter Part of the Letter, to the executive Branches of the Law, to settle and compose this Outrage on Settlers and Settlements, in the very Infancy of a Colony, he was but lately arrived at, it was presumed, to protect, defend, and nurse. — The Law, a Guardian ill suited, with it's expensive Train, is to be sought for by the Cries of the infant Settler ; but there seems to be held out a Scourge for the Mistakes, not wilful, of the ignorant inexperienced Colonists. — The Power, on the one Hand, is suspended from Assistance, but there is Influence seems to direct it's Course with accumulated Weight, by Descent, on the other. The Governor, also says, in the said Letter, that *Piles the Merchant* declares

declares to him, that he had no Intention to inveigle away your Petitioner's Settlers ; but this happened to be almost in Sight of your Petitioner, in the Instant he went from his Table of Entertainment; your Petitioner called him, related his Breach of Hospitality, threatened him with Complaint to the Governor, and, if unnoticed — to Government at Home, which Words were occasioned by such repeated Oppressions, not only permitted, but, rather, countenanced on your Petitioner's Settlement. Instead of *Piles*, his Non-intention, he, *Piles*, employs, while he still staid at the Settlement, one *Elfenor*, his Friend, to write for him to solícite your Petitioner's Forgiveness, which *Elfenor* does in these Words in a Letter : “ Mr. *Piles* desires me to acquaint
 “ your Honour he is very sorry for the Difference that
 “ has happened betwixt you, and declares he did not
 “ mean to give you Offence, but said what he did inad-
 “ vertantly and unadvised, of which he is now sensible,
 “ and desires to be reconciled to you ; and offers, if
 “ you will employ him, to go and pilot your Vessel
 “ over the Bar, and up the River, if you chuse. By
 “ all Account, he is the most capable Man about
 “ these Parts.” — Here your Petitioner seemed to be in the same unfortunate Light as before, in respect of the Bargain for the Cattle with *Bouncly**, there was an Affidavit made by a Person just before he retired from *Augustine*, which had partly ruined him, as Mr. *Greenan* had purchased nineteen Head of Cattle from him at the fixed Price of twenty Guineas ; — which Affidavit was intended to assert the Bargain's having been made void by the *supposed*, not *real*, Maker of the Bargain ; the former, your Petitioner's Surveyor, *Fairchild*, the latter one of his Servants, *Thomas Hopkins*, when *Fairchild*, not *Hopkins*, was left with Money to pay for the Cattle on Delivery ; but *Fairchild*'s Affidavit to assert his not having given up the Bargain, having, as he properly judged, no Right so to do, — was refused by Mr. *Greenan*, the Justice of Peace, for no other Reason, than that, on one Side or other, there must be a Perjury.

Here,

* See Page ()

Here, in this Case, was no such Refusal; but Mr. *Piles*, it is presumed, cleared himself from his Charge, by the small Weight of your Petitioner's Assertion, and the Prevalency of the presumptive Truth of any Assertions against him. The Governor repeats the Attorney General's Opinion respecting the binding of Settlers by Indentures, as the better Security, than trusting to the good Intentions of Neighbours. These were sent to your Petitioner, it is true, and it was not proper, under your Petitioner's Circumstances, to disoblige them by such Abridgement of their Liberty, without Indentures; and this Attempt to seduce them, was immediately after their Arrival, before there could be that Security; but if a general Disapprobation had been given to the Misbehaviour of People to your Petitioner, and those Irregularities toward him were not certain to have met with the good Wishes of some in Authority; your Petitioner might have expected, with some Certainty, to have enjoyed the Fruits of his Labours, under his own Vine and Fig-Tree, with Serenity and Quietness.

The Governor adds, as to one *Goodby*, your Petitioner had said was killed by a Relation, under the Sanction of the *New Hanover* Law, by which was intimated, the lawless Set of People, Hunters, and who committed Outrages against all Law, some of which had chiefly passed their Life in the Province of *New Hanover*, formerly neutral Land between *Georgia* and *Florida*; that this *Goodby* was alive and well at his own House, and that *Davis*, whom your Petitioner called a Deputy Surveyor, was not a Deputy Surveyor, in which the Governor seems happy in Conviction of; your Petitioner, in a false Report in Respect of the former, was conveyed to your Petitioner through this *Davis*, who was Brother-in-Law to *Goodby*, a better Channel could not have been, he believed, to convey such Intelligence. As to the other not being a Deputy Surveyor, the Governor relieves your Petitioner from that Imputation, by saying, though he has been employed by Mr. *De Brahm* in the general Survey. He continues, he had sent for him, and charged him,

him, as he * supposed, with acting as a Lawyer for *Upton*, and writing a law threatening Letter for him, respecting the Hire of his Horses; that *Davis* had asserted it was a submissive Request to your Petitioner's Agent, because *Upton* was not permitted to speak, and could not write himself. Your Petitioner, whether he found the Surveyor, Deputy or not, it matters not was the Writer and supposed Instigator of this intended Suit; he returned the Letter, with this Message, that he should complain of the Disturbances of this Settlement to the Governor; the Letter cannot therefore be copied, and being in the Writer's Hands, or destroyed, might have been easily misrepresented, so as to place his Transaction in a fair Light to the Governor. As to the Refusal of Payment of having the Charge the Contrary, as asserted by your Petitioner's Agent, that he had sent to him; that he should be paid as any other Person had paid, who had used the Horses, which the Owner had certainly no Right to keep at your Petitioner's Settlement, where he had no Concerns, nor had for Half- a Year before, and used only for depriving his Settlers of Venison. This only serves still to shew more and more what Security any Delinquents thought they had in making any Assertions before Government, however false or improbable against your Petitioner. The latter Part of the Governor's Letter refers your Petitioner to the Chief Justice, assistant Judges, or Justices of the Peace, to regulate Matters he had alledged in his Letter, in these Words: " For it is quite inconsistent for
 " me to enter into any Gentleman's private Transac-
 " tions, and surely I need not tell you, that if any
 " Man kills my Cattle, or if his Horses break into
 " my Inclosures, I have no Remedy but a Prosecution, ac-
 " cording to the Law of *England*, by which his Majesty
 " has been pleased to direct this Province to be governed." When this Affair happened, and your Petitioner had wrote to the Governor, his Agent, and he himself, both supposed he would have dispatched some of the armed Military after *Upton*, to secure him from doing Damage to young Settlements in so atrocious a Manner,

* The Copy of the Letter not being extant.

and

and in Defiance of all Authority, so far from expecting a Repremand for such an Application. This expected Mark of Protection was founded in what General *Oglethorpe*, and all Founders of Colonies, they believed, did in the Infancy of Times. Your Petitioner could have hoped for it, as much as the Governor's Exertion of his Authority over the Military of *Picolata*, when it had been determined by General *Gage* that the Military Officer should command the Troops; but which the Governor then did, as he told your Petitioner, in Right of Governor, as *Protector of the Settlements and Settlers*. This Success of such Application to the Chief Justice, and Assistant Judges, though some Elucidation has arisen during the Course of this Memorial, yet cannot be better explained than by the Attorney General's Letter, on the Commitment of *Upton* by Mr. *Lloyd*, your Petitioner's Agent.

Your Petitioner thinking it highly necessary, for the Security of himself, and little Colony, to commit the Hunter; his Agent, who was a Justice of the Peace, that proceeded, as before-mentioned, Page () swore four stout Men as Constables, and sent them up to *Dunn's Lake*, six Miles off, and came on the Hunter in the Middle of the Night, and secured him and brought him down, and sent him under the like Guard to *St. Augustine*; when they arrived, the Sheriff, one of the Governor's menial Servants, was not to be found, and no Person could receive the Prisoner. After much dangerous Delay in a public House, the Sheriff was found, and the Prisoner received. The Attorney General, before-mentioned, wrote the Letter to Mr. *Lloyd*, your Petitioner's Agent, of which the Copy is annexed. He therein seems to be a warm Advocate for the Delinquent; he represents the Duty of Constables, and their Assistance is to be done as a Service by Rotation for the common Benefit, without a Reimbursement of particular Expence. He forgets, in this Place, a Law, which empowers the Civil Officer to reimburse such Expences out of the Convict's Money or Effects; he objects also to the Number of Constables, or Assistants, sent with the Offender, for his more safe Conveyance
to

to Goal; it could not have been deemed prudent to send a single Person to convey a very desperate Felon thither, at the Distance of thirty-five Miles; he represents the Commitment itself to be irregular in Circumstances, he calls, aggravating, inserted in his Warrant; this refers not only to what has been before represented, but to a Consultation of the Hunter with others, which was overheard; Intelligence whereof was given to Mr. *Lloyd*, for the forming a Plan to bring down the *Indians* to destroy your Petitioner's Settlement; he calls this foreign to the Purpose; he charges an Omission in this Commitment, which may be said to be an Information to the Delinquent, to evade the Force of Evidence; viz. that he should be apprised herein of every Sort of Evidence against him.

The last Article of the Attorney-General's Letter, was certainly observed. Your Petitioner's Agent, Mr. *Lloyd*, who committed *Upton*, and would, if he had lived and been capable, have supported his Warrant personally in *Augustine*; and though, if Negroes could not be admitted as Evidences, yet Circumstances, by which alone most Murderers are convicted, would have been connected in so strong a Light, as to prove sufficient Reason for his Conviction; but the Delinquent had Time, as the Attorney General advises, who was the only Prosecutor after the Death of Mr. *Lloyd*, to collect any Evidence he might have, and prepare for his Trial. As the Account from thence, was the strongest Proof by *Langley Briant*, was wanting by his Refusal to attend the Trial, whether for Want of Subpœnas, whether any Irregularity in the Proceedings made it necessary to suppress such Evidence, seems doubtful. Your Petitioner has had no certain Account what has been done with this atrocious Person, whether let loose, to be the constant Terror of his Settlers, to drive the Deer from it's Neighbourhood, to deprive them of that natural Supply, and to destroy the Stock that is provided for them at a great Expence, but hopes for the Recommendation of your Lordships, to his Majesty, for the Assistance of Government, to protect and defend his Colony against such Proceedings. Your Petitioner now seeing
his

his Colony well supplied with every Necessary, he intended an Augmentation of it, and also a Desire to lay these Facts before your Lordships, proceeded on his Journey to *Savannah*, to embark for *England*. In his Way thither he visited Mr. *Davis*, aforementioned, where he saw his Plantation laid out, with the Front Line on the East Side of the River of St. *John's*, as also his whole Side Line on a Bend of the same River; and heard Mr. *Davis* say, that the Governor had given him hopes of having a separate Tract of Land, about eight Miles off, whereon, by Means of a quiet flowing Stream, he could erect a Mill.

Further on he met with Mr. *Grey*, who informed him of the Promises of the Governor to himself Mr. *Kinlaugh*, and Mr. *Moultrie*, of Grants of Land, all run contrary to the general Rules prescribed to your Petitioner, and other Inconveniencies to your Petitioner's Settlement as afore-mentioned, Page () which induced him immediately to dispatch the following Letter to the Governor.

Georgia, October 9, 1765.

S I R,

THE two Plans of Mr. *De Brahm*, the only ones admissable for my Grant, shew the utmost Nicety, may I say, almost a mathematical Exactness before the human Errors of the best Surveyor can be corrected, and a Plan still more perfect can be established. — In the drawing a Base Line for the Front Line, which the two Sides are raised perpendicularly on, and carrying the Tract a vast Way above the Place marked as a Landing Place, in Mr. *Funk's* Plan; a Conveniency he thought proper to note as such, and which I see avoided, as far as the Perfection of Compass and Rule, or Square, can carry it, — the Difficulty of passing a Creek into the Pine-Barren beyond of little value. — the same Liberty was granted me, if I had chosen *Mount-Royal* for my Lot, though in that it was a great Navigable Creek; but Mr. *Funk's* Orders were peremptory to detain me on the further Side of the Creeks, and
even

even not to pass within the least Influence of good Grounds that might border on Rivers or Creeks, with my Side, or End Lines.—Under these Difficulties, which has passed on the Backs of others, too well known to need a Recapitulation, for now twelve Months past, since I arrived in *East-Florida*, I could not but withdraw, and hasten to *England*, when your Excellency has said there could be Alterations alone made, relying on the Generosity of the Public, of whom some have said, my attempt to settle a Colony at a great Expence, is not undeserving their Regard—to forbear soliciting you, Sir, for any Tract within the two Creeks, till a Determination from *England* can be, on the fairest Representation of the Difficulties laboured under, as you acquainted me, long since, with your Inability to refuse Petitions, and to grant any Tracts whatsoever within those Limits, though near, very near, the Place I set down on; for which, as it was without particular Leave, your Orders in a regular Manner, should have been to the Attorney General, to prosecute me, and turn me off from;—and that my Settlement on the Eastern or Middle Part of the Province, you was pleased to express a Disapprobation of, in the first Place—but from which Prosecution, I found, as I forgot to mention, *Upton* now in Goal, though an irregular Person (no Planter) I venture to call such, was exempt and safe; and, as to the latter Act of Commitment to Goal by Mr. *Lloyd*, can get no attested Copy of, which is said to have been irregular, and I wanted to carry with me to compare, with the old *British* Customs and Forms.—Whatever may be the Consequences, I leave the Settlers and Plantation I made with white People, at a great Expence, an unexpected good Crop of Rice, Corn, Pulse and Cotton, fit for gathering in, and all Necessaries of Life in the Increase, the Earnest of a future Prosperity, the *Indian* Friendship cemented, from which nothing but the sinister Motives of others, and the withdrawing your Excellency's Protection, can now incline to recede.

I learned, on the Road hither, a Piece of News that Mr. *Kinlaugh*, who honoured me with a Visit, has solicited for, and is bringing a vast Number of Negroes
on

on three thousand Acres on the River, and *Dunn's Creek*, or rather schooner-navigable River, whose North Side will be about three Miles from me, — and one thousand five hundred Acres are so settled on the other Side of the River below me, where I thought to have solicited a Tract, such as permitted of any Size for the Convenience of fixing a Mill for my Village, as no fall of Water is yet found out on my Side, (as I think others have done with Success) till I can bring it from *Dunn's Lake* or *River*, — but both are too airy and flighty Thoughts for any *such* distinguished Settler, therefore dropped them.

As Mr. *Oswald* drops the Thoughts of settling Colonies I hear, (and I know not of any other besides that of the *Bermudian* Scheme) and the *Hanoverian* Gentlemen are gone back to settle in *Carolina*, perhaps, no other Person contends with me, in the weighty Expences of settling Whites in the Province, I have not only engaged to settle two hundred, but have began the first Year, though at Liberty to wait till the third Year, to settle sixty-seven, or to import them, one of which is dead unregistered, though her Expence was, in the Whole, defrayed, as to the Import. — A Question arises from me, whether any Difference of Expence happens between importing eight hundred or a thousand Negroes from *Georgia*, or even *Carolina*, to *East-Florida*, or my two hundred white People from *England*, with proper Necessaries to the same Province, and whether any Difference arises in Point of Convenience in my settling an inconvenient contiguous long Tract, most Part, and a great deal more run in a Pine-Barren, or Tracts ran agreeable to any smaller Part of a Body of Negroes then possessed, or Number in Family, in a divided smaller Manner, where chiefly good Swamps, and very little Pine-Barren is included, and to whom will the Government give the Preference, and further in establishing, and the Public give their Approbation.

I must now again request and rely on your Excellency's Protection of such Settlers left behind me, and if any peremptory Orders are to issue respecting

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them,

them, that you would inform, some Days previous to the Congress at *Picolata*, (as my Absence renders my own Knowledge impossible) Mr. *Lloyd*, whom I leave to overlook my Affairs in my Absence. With great Deference,

I am,

S I R,

Your Excellency's most Obedient humble Servant.

DENYS ROLLE.

Your Petitioner little thought to have met with so much Obstruction, as must appear to your Lordships, during the whole Course of this Memorial, to the locating of his Land, — when the Encouragement appeared so great in other Colonies, especially in *Pensylvania*, whereon the following Observation was made in a Letter to *John Pownall*, Esq; the present Secretary to the Lords of Trade and Plantation, in answer to a Request of his to Mr. *Evans* of *Philadelphia*, for a Description of the Manner of settling Plantations; he there says: “ Let us suppose, that a Man, with his
 “ Wife, who are worth little besides Industry and Pa-
 “ tience, to find a Spot of Ground, not yet appro-
 “ priated and improved, and Permission is given him
 “ to settle there by the Lord of the Soil, (for in *Pen-*
 “ *sylvania* it is very common to settle and improve
 “ without Warrant or Title to the Soil) and, I assure
 “ you, the strict Honour of the Proprietors to the
 “ Adventurers, and the excellent Œconomy of his
 “ Offices, and Easiness of Access and Fees, have con-
 “ tributed infinitely more to the Improvement of this
 “ Colony, than our so much celebrated Constitution*.”

Your Petitioner might, from the Circumstances before recited, be led rather to expect a Treatment equal to what one of the *Cambel* Family met with in the

* This Letter was copied from one in the Guard-Book of the Society of Arts and Sciences.

Province of *New-York*, as related by Mr. *Smith*, in his History of that Province, where that person had so good Grounds to assure himself of settling within that Province, by Promises of the Governor, that he proceeded Home to *Scotland*, — disposed of his Estate there, and embarked with a Number of Settlers, and all Necessaries to make the intended Plantation. On Application for the Grant, he was refused by the Governor, and ruined thereby, and his Family now resides in low Circumstances at *New-York*.

This your Petitioner's Letter intimated at first to his Agent, met an Express of his Death: — The Instructions, however, were received by two People, whom he ordered to act conjointly in regulating his Plantation, and Accommodation of the *Indians*, whose Friendship he ordered to be preserved by every Method of an obliging Behaviour; for which Purpose, he sent one hundred Pounds' Worth of such Things as they might be in Want of. The Death of one of these Agents also, has prevented the necessary Information to him, of the several Particulars of Circumstances attending his Settlement. He supposes, from some Intimations, that the Suit against his Hunter was very improperly supported, — that some Irregularities in his Settlement may have been encouraged by Persons in Power, — and that an Inability in some of the Settlers, introduced at the great Expence of your Petitioner, seem to intimate, some Methods of Subduction have been used. — These are only Facts suspected, and thought far from improbable in their Nature, from the fatal Experience of the Influence of Persons in Power, during your Petitioner's Residence. — He hopes, from the State of those Facts, to open a Scene worthy your Lordships' Inspection, not to satisfy any Rancour or Spleen of his own, for his Reason teaches him to avoid such a Disposition. — His Endeavour has been to suppress any Inclination to cherish it. — He wishes the Advancement of this valuable Colony, and, if his Endeavours, as he hopes, appear honourable, he doubts not of your Lordships' Recommendation to his Majesty for the just Accommodation of himself, in settling a Plantation therein.

That your Petitioner sat down on this Spot, with a Design to erect a Town, because the Situation was high and healthy, and the Narrowness of the River made it a Place of frequent Passage; and it seemed nearly in the Center of that Land that would probably be given up by the *Indians*, that your Petitioner has explained the Nature of the Land in the different Plans, which the Governor, in his Letter dated *February 13, 1765*, acknowledges to have been delivered to him by Mr. *Greenan*, wherein one Proposal was, to grant him one thousand Acres, or somewhat less, upon the Terms of the Governor's Proclamation, for the Formation of a Town, and the Appropriation of a Minister, and the Endowment of a School, your Petitioner intending to take his Allotment of twenty thousand on the other Side the River, opposite to such Town. — The Variety of Proposals might seem light in your Petitioner, but had a reasonable Foundation in the constant Objections to each Proposal, and made it appear necessary to form different Plans, that one might be accepted. To exhibit it in one connected View, your Petitioner doubts not but your Lordships will collect, from the foregoing Representation, that the different Plots of Land that have been, at various Times, in Contemplation by your Petitioner, or in Altercation between the Governor and himself, consists of forty-seven thousand one hundred and forty Acres East of the River, out of which he intended to take up his twenty thousand Acres, or twenty thousand Acres West of the River, with which he hoped to have purchased one thousand Acres for a Town abovementioned; a very little of which Land was likely to be taken up by any other Persons, or to have two thousand six hundred Acres, in two Islands at the Entrance of the *Great Lake*, and the Residue of the twenty thousand Acres upon the main Land, at a Place called *Mount-Pleasant*; still preserving the Liberty of purchasing the abovementioned one thousand for a Town, at the same Place where your Petitioner first sat down, and his Colony still continues: but the twenty thousand Acres, on the East
Side

Side of the River, as proposed by your Petitioner, but refused by the Governor, contains only one thousand eight hundred and thirty Acres of good Land, as appears by the sworn Deputy Surveyor's Plan and Schedule, herewith laid before your Lordships, without the Limits of which twenty thousand Acres, but within the Tract of the forty-seven thousand one hundred and forty viewed and surveyed by the said Deputy Surveyor, there is a Tract of Land, as appears by the same Plan before your Lordships, of five thousand Acres, may be run out so as to include one thousand Acres of good swamp Land, which, with the present Mode of obtaining Grants, your Petitioner's Family might have possessed itself of, the like of which he might have done in respect of the fifteen hundred, either promised or granted to Mr. *Grey's* Family, whereon he, as beforementioned, wished to have a Mill erected for the Benefit of his Town. Your Petitioner would not have presumed to insert any Digressions or Remarks, but as they much influenced his Mind at the Times the different Occurrences happened, he hopes some may serve to elucidate Facts, and others may afford useful Hints to the settling the Province of *East-Florida*, that a great Expence, through which the younger Branches of his Family may suffer, and the Loss of time, in the Progress of his Colony, was occasioned by the Discountenance and Obstruction beforementioned. All which your Petitioner humbly submits to your Lordships' Consideration, and hopes for such Redress as shall seem met to your Lordships to recommend to his Majesty.

F I N I S.



GRANTS by the GOVERNOR of SOUTH-CAROLINA.

Lieutenant Governor Bull	2000	on Great Sitilla River, West of Thomas Shubrick, other Side vacant.
John Drayton	2000	on ditto, East, by Thomas Shubrick, other Side vacant.
Mathew Premier	550	on ditto, South-West, by William Brandford, other Side vacant.
James Partons	3350	on ditto, East, other Side vacant, an impassable Swamp.
Proback Howarth	700	inland Swamp, called Phemeriton, White Oak, North-East, by William Middleton.
William Middleton	2000	on ditto, North-East on Henry Middleton's.
Arthur Middleton	1000	North-West Alamamaha River, other Sides vacant.
Thomas Middleton	1500	ditto, on Alamamaha, Eastward on Arthur Middleton's.
Henry Middleton	3000	Plumer's Swamp, on White Oak, all Sides vacant.
Henry Howarth	1650	on Great Sitilla, South-East, on Mr. Bull's Land, other Side vacant.
William Brentford	3000	on Great Sitilla, East on Mr. Bremer, other Side vacant.
David Oliphant	2000	on Crooked Creek of Crooked River, all Sides vacant.
David Plumer	500	on Great Sitilla, West on Jane Sinclair, other Side vacant.
Jonathan Belton	400	on ditto, East and West, impassable Swamp.
Egerton Leigh	1000	on Hermitage Swamp, and Buffalo Swamp at the Head of Turtle River, North-West on James Poffell, other Sides vacant.
William Hopton	2000	on South Side of Alamamaha, all Sides vacant.
Henry Lawrence	3000	on ditto, East, by Broughton's Island, rest vacant.
John Deas	2000	on ditto, West on D. Deas's, South-West on H. Lawrence, rest vacant.
Theodore Gowrdine	650	on Great Sitilla, West on David Plumer, rest vacant.
George Inglis	2000	on the Head of White Oak Creek, all Sides vacant.
Thomas Shubrick	2000	on Great Sitilla, East on Governor Bull's, West on John Drayton.
John Burn	1000	on Southward of Alamamaha River, all Sides vacant.
Jane Sinclair	650	at Mexeton's Bluff, on Great Sitilla, all Sides vacant.
Samuel Bradford	1700	Near the Head of Crooked Creek, West on Oliphant's, rest vacant.
William Harvey	3000	on South Side of Alamamaha River, East on Richard Stephens, West on William Heles.
Stephen Bull, jun.	7500	North Side of Great Sitilla, East on B. Haxon, West H. Howarth, rest vacant.
William Hazard	3000	on the Head of Little Sitilla, inland Swamp, about three Miles West of Spring Bluff.
Benjamin Singleton	1000	on North Side of Great Sitilla, all Sides vacant.
John Singleton	2000	West, on Great Sitilla, on all Sides vacant.
Darby Pendergrafs	1200	East on H. Lawrence, West D. Deas's, South H. Lawrence, North Alamamaha.
David Deas	2000	West, William Hopton's, North Alamamaha,
James Poffell	1000	in New Hanover on Buffalo Swamp, near the Head of Turtle River,
William Jefferys	450	South-East on Egerton Leigh, West Ph. Smith, other Sides vacant.
Isaac Hayne	1000	on Buffalo Swamp, North on Ph. Smith, rest vacant.
William Middleton, jun.	1000	on ditto, on the Head of Green's Creek, all Sides vacant.
Thomas Middleton	3000	an Island called Great Talbot, North on Alamamaha Sound, &c.
James Shirving, jun.	1000	on a Neck on the North Side of St. Juan's River.
John Joor	1000	on the Head of Buffalo Swamp, South-West on Mrs. Bee's, and North-West on Samuel Porcher's, North-East on James Nowarth.
William Maine	1000	on Buffalo Swamp, East on Ph. Smith, West on David Jeffreys.
Joseph Elliot Phil. Smith	600	on ditto, North-West on Paul Porcher's, North-East on Daniel Blake, South-East on Eb. Poffe.
Ann Rogers	400	on Amelia Island, all Sides vacant and Sea.
Thomas Smith	1650	on Buffalo Swamp, West, John Joor, North on James Shirving.
Gufannah Bee	1000	on Dover Bluff, North-East on Southampton Creek, South-West, on Buffalo Swamp, South, John Glover's, South-West and North-West on William Main.
George Noddings	400	on ditto, South-West, P. Porcher's, North-West on Samuel Porcher,
James Shirving	1000	South-East on Daniel Blake.
Phil. Ghatt	1000	on Dover Bluff, North-West on Ann Rogers.
John Joyner	1500	on Buffalo Swamp South on Ph. Smith's, West on John Glover.
Richard Stevens	2000	on the Head of the main Branch of Turtle River.
John Grafon	2000	on a Branch of Little Sitilla, South on William Hazard and John Grafon.
George Kiniaid	1150	on ditto, West, John Joyner, South, John Grafon.
Paul Porcher	1000	on ditto, East on William Hazard's, rest vacant.
Joseph Glover	1000	on Buffalo Swamp, North-West on Suf. Bee, North-East on John Nowarth's, South on William Main, South-East on Corn. Dupont.
David Jefferys	650	on ditto, South-East on William Main, North-East on Suf. Bee, rest vacant.
Cornelius Dupont	1000	on ditto, East on James Sharving, others vacant.

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Note, The Carolina-Grants on Rivers are one Perch in Front, four Back. The Lots, then, of three thousand Acres will be

Chains Links	Acres Links
86 61 in Front	measures 3000 51684
346 44 Back	

That is, one Mile, twenty-six Perches in Front, four Miles, two Furlongs, twenty-four Perches back. Colonel Middleton's Grant cannot have, it is believed, the three Back for one in Front, as the Georgian and Floridan Rules prescribe. The Latitude, perhaps, of this Spot has not been clearly ascertained, though it may be within the Charter of Charles II.



Copies of his Excellency Governor *Grant's* Letters, and also Copies of the rough Drafts from which Mr. *Rolle's* Letters to the Governor were wrote, containing the full Import of the same.

S I R, *St. Augustine, 14th September, 1764.*

HIS Majesty's Order, dated at the Court of St. *James's*, the 23d of *May*, 1764, given upon a Representation from the Lords Commissioners of Trade and Plantations to the King in Council, and by Advice of His Majesty's most Honourable Privy Council to the Governor or Commander in Chief of His Majesty's Province of *East-Florida*, for the Time being, to cause twenty thousand Acres of Land to be surveyed for you in one contiguous Tract, and upon a Return of such Survey to pass a Grant for the same under the Seal of the Province, conformable to His Majesty's general Instructions, and the Terms, Conditions, and Reservations contained in His Majesty's said Order, in the Presence of His Majesty's most Honourable Privy Council, shall be carried into Execution as soon as the State of this infant Colony will permit, but you see Sir, that is impossible at Present; the Chief-Justice and Attorney-General are both absent; without their Assistance the Council cannot be formed, and, as the Land-Surveyor is not yet arrived, no Warrant of Survey can be given.

But as a Delay may be detrimental to your private Interest, and to the Public Good of settling so large a Tract of Land in the Province, I take upon me (having received His Majesty's said Order (to authorise you to go to *Appalaché*, as soon as you conveniently can, with such People as you chuse to carry with you. There is a Detachment of two Officers and sixty Men in the

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Fort

Fort of St. *Mark's* at *Appalaché* ; you may lodge the new Settlers in Safety in the Neighbourhood of the Fort, under the Protection of the Garrison, where they may raise as much *Indian* Corn, and such other Things, as will be necessary for their present Advantage and immediate Subsistence ; but they must not, upon any Account, attempt to form any Plantation at a Distance from the Fort, 'till you receive Information from me, that the Limits of the *Indian* hunting Country have been settled at a general Meeting of the Head-Men of the *Creek* Nation, which shall be called together as soon as possible ; indeed some Steps have already been taken to bring that Measure about.

From all the Accounts which I have received, the *Indians* seem to be well disposed to His Majesty's Subjects; those at *Appalaché* have never had much Communication with Europeans, they are extremely ignorant of our Manners and Customs, and therefore must be treated at first with great Delicacy. You will have an Opportunity of inquiring particularly into their Disposition after your Arrival at *Appalache* ; and if it appears safe to you, before the Limits are settled with those *Indians*, you may, with such Attendants, as shall appear to you to be necessary, take a Look of the Country, and fix upon the Tract of Land, where you shall chuse to have the Survey made ; and, in Obedience to His Majesty's Order, a Land-Surveyor shall be sent (as soon as possible after the *Indian* Congress is over) to survey out the very Tract you fix upon, as far as is consistent with His Majesty's general Instructions, and the Terms, Conditions, and Reservations contained in His Majesty's Order, given with the Advice and in Presence of His Majesty's most Honourable Privy Council.

As I was under some Apprehension that you would proceed to *Appalaché*, without calling here, as that seemed to be your Intention at *London*, I wrote to Mr. *Stuart* (the Superintendant of *Indian* Affairs for the Southern Department) to inform the *Indians* near *Appalaché*, that some White People might probably come there to look at the Country, and to desire them not to be alarmed upon their Arrival, as they would not settle there without

out their Consent ; and I begged of him to assure them, that they would find those White People good Neighbours, if they obtained their Consent to cultivate a Part of the Country. In Case Mr. *Stuart* should not have received that Letter, you have one enclosed for him to the same Purpose, which you will please to deliver upon your Arrival at *Appalaché* ; and in Case he should not be there, you will be so good as to send him the enclosed Duplicate of that Letter, by the first Opportunity to *Pensacola*.

Lieutenant *Pompillone*, the commanding Officer at *Appalaché*, was at *Providence* when I arrived there ; I informed him that you had an Order from His Majesty for a considerable Grant of Land near *Appalaché* ; that you would probably get there soon, with a Number of new Settlers ; and I desired him to accommodate you with every Thing in his Power near the Fort ; enclosed I take the Liberty to trouble you with a Letter for him to that Purpose.

I wish you much Success in so laudable an Undertaking, and shall think myself extremely happy, if I can be of any Use to you from this Place, during your Residence at *Appalaché*.

I am,

S I R,

Your most obedient humble Servant,

JAMES GRANT.

St. Augustine, September 24, 1764.

S I R,

I FLATTERED myself that my Letter of the 14th Instant, accompanied with those to Mr. *Stuart*, the Superintendant of *Indian Affairs*, and Lieutenant *Pompillone*, or Officer commanding at *Appalaché*, which I gave you to read the Day after your Arrival here,

were as full and as satisfactory as it was in my Power to make them, in the present State of the Colony.

That Day, in Conversation at Dinner, I advised you to go to *Appalaché* by Sea, you seemed desirous to go by Land; I made it my Business to inquire how far that was practicable and safe at this Season of the Year; and I was lucky enough to find a Guide for you who had been there, who has lived in the *Indian Towns* in that Neighbourhood, and who speaks their Language. Captain *Williams*, who was formerly employed by General *Oglethorp*, and who is well acquainted with the Woods, likewise agreed to attend you with any Number of Hunters you should chuse to carry with you, upon your giving a reasonable Allowance to the Whole for their Trouble; and I was happy to think that every Obstacle, attending a very fatiguing Journey, was removed as far as the Nature of the Thing would admit of. A few Days after you told me that it would be troublesome and expensive to carry all your People with you to *Appalaché*, and that you had an Inclination to settle them upon St. *John's River*, near the Fort of *Picolata*, I told you that you might place them *wherever you pleased*, that they should enjoy the Fruits of their Labour for this Year, and that, upon their Application to me in Council, they should have an *Order* of Survey, and afterwards a *Grant* of as much Land as was *consistent* with the *Terms* of my *Instructions*; but that I must consider them as *Grantees* of *Crown Land*, and by no Means as People brought in by you to the Province.

The 22d Instant, the Anniversary of His Majesty's Coronation, you told me, a few Minutes before I went to Dinner with a pretty numerous Company, that you was afraid you should not be able to go to *Appalaché*, and that you had some Thoughts of taking up your Grant of twenty thousand Acres upon St. *John's River*. In Answer to this Opinion of *Denys Rolle*, the Governor threatens, first of all, to make a strong Representation to the Board of Trade against him for such Alteration of his Opinion; then, after a Silence which he perceived in *Denys Rolle*, recollecting himself, proceeded, I then told you that, in Consequence of His Majesty's Order in Council, you certainly was intitled to that Grant of Land,

Land, in any Part of the Province you pleased ; but that such Application must appear extraordinary to Government, if it was made before you saw *Appalaché*, as your original Application had been made for a Grant of Land at that Place, and as you had informed the Lords Commissioners for Trade and Plantations, that you was to go there, and had told me at *London* that you would probably not have it in your Power to come to this Place in your Way to *Appalaché*, on Account of the Expence which any Delay would put you to, (which I communicated to their Lordships, as the Apprehension of an Alarm being given to the *Indians* by so expeditious a Measure gave me some Uneasiness) and I further observed to you that such a Change of Opinion was very Contrary to the Anxiety which you expressed to get to *Appalaché*, when you arrived here, upon Account of the Inhabitants which you expected to arrive there, in a Vessel freighted by you from *England*.

When I asked you what you intended to do with those People, if you fixed upon *St. John's River*; your Answer was, that you hoped that I would give them Land at *Appalaché*, in the same Way as was to be done to other People who came into the Province. I then explained to you that, if those People did not settle upon the Land which was to be granted to you, in Obedience to the King's Order in Council, they could not be considered as a Part of the People which you, according to the Terms of that Order, was to settle in the Province; and that I could not give them a Grant of any Land, but upon a personal Application to me in Council; for which Reason there would be an absolute Necessity for their coming to this Place, if they did not fix upon the Land that was to be granted to you. This should not appear extraordinary to you, as I have informed you, that, if a responsible Planter in any of the neighbouring Provinces was to engage to send a hundred Slaves to *East-Florida*, I could not give an Acre to any * Agent sent for that Purpose, if the Planter himself did not appear in Person, to apply to me in Council for the Warrant of Survey.

* See a Promise of the Governor's to Colonel *Middleton's* Agent, Page ()

I trouble you with this Letter, as you seemed by your Conversation this Day at Dinner, in a public Company at my Table, not to have understood what I thought had been fully explained ; therefore, Sir, that there may be no Mistake, I repeat to you again, that you, or your Agents, have a Right to apply, in Consequence of His Majesty's Order in Council, dated at the Court of St. *James's*, the 23d of *May*, 1764, for a Survey of twenty thousand Acres of Land in one contiguous Tract in any Part of the Province of *East-Florida* ; and that, upon the Return of such Survey, a Grant shall be passed for that Tract of Land, conformable to His Majesty's Directions in His general Instructions, and the Terms, Conditions, and Reservations contained in His Majesty's said Order in Council ; but that such People as you bring into the Province, and that you do not chuse to settle upon that Tract of Land which is to be granted to you, can only be considered upon the footing of other Inhabitants who find their Way into the Province to look for a Settlement.

The Breadth of a Tract of Land to be granted is to be one Third of the Length of such a Tract, and the Length of such a Tract is not to extend along the Banks of any River, but into the main Land ; those are the Words of His Majesty's Instructions, which are very clear and expressive, though you was pleased to say, when I endeavoured to explain them to you to the best of my Power, that you had seen the same Thing more clearly expressed in an old Warrant of Survey granted in *South-Carolina*.

The Governor's Description of this Point of running out of Land in the Conversation mentioned, was — one in Front and two back. — The Wish of *Denys Rolle*, as a Settler, for a double Proportion only in Length to the Breadth, was prevented from occasioning his Assent, easy to such a Misrepresentation ; as he knew, with some Certainty, the same to be a Mistake, — he therefore presumed so far as to express, he believes, mathematically, the Measure of this Kind of Superficies, as one in Breadth and three in Length, — agreeable to Cloth Measure by the Yard ; — but which Expression

sion appeared to be taken as an Affront, though exactly agreeable to the written Instructions mentioned now, of His Majesty in this Letter.

If, after receiving this Letter, which, I flatter myself is sufficiently explicit, though not more so than my Words have been, you should still have any Doubt left with Regard to your Affairs in this Country, if you will take the Trouble to state them in Writing, I shall endeavour, if it is in my Power, to solve them ; but I beg to be excused from talking any more upon the Subject.

I am,

S I R,

Your most humble Servant,

JAMES GRANT

St. Augustine, Nov. 5, 1764.

S I R,

SINCE my Arrival in this Place I have been acquainted, that you are making a Settlement on the River St. Juan's, about forty Miles above *Picolata* ; and, as I am confident, from the Character I have heard of you, that it is not your Intention to benefit yourself at the Expence, or to the Prejudice of others, I take this Opportunity to acquaint you, that I did, in the latter End of the Year 1763, purchase, from the Subjects of Spain, for myself and others, all the Lands on this Side bordering on the River St. Juan's (except one Tract of about three Leagues in Front, next below *Picolata*) from the Mouth thereof to about the Latitude of Twenty-nine, and also the Lands on the other Side, from the same South Latitude as far North as the *Rio Blanco*, about four Leagues below *de Pupo*, a Plan and Conveyances of which Purchases may be seen at Mr. *Fishe's*, or in the *Register's Office* ; therefore I presume you have un-

knowingly

knowingly sat down on some of those Lands, but, I flatter myself, you will not persist in occupying them after this Notice ; however, a few Lines, signifying your Resolution, will oblige me.

I am,

S I R,

Your most obedient humble Servant,

JOHN GORDON.

*Copy of a Letter from Denys Rolle to John Gordon, Esq.
The Narrows, St. John's River, Nov. 21, 1764.*

S I R,

YOUR's I received, and should have duly answered by the Return of Mr. *Wilson*, by whom I received it ; but intended at that Time to have come to *Augustine* as soon as his Return probably would be. Being delayed, I would no longer omit informing you, that my Intentions in proceeding to settle had the most equitable Foundation, as you, Sir, are pleased to suppose. The Declaration at the Board of Trade, concerning the prior Sales of Land in the *Florida's*, encouraged me to set out from *England* to settle a Colony in this Province. The Declaration of his Excellency the Governor, at *Augustine*, that he had Directions to have no Respect to such prior Sales, permitted me to proceed at large to my Choice, agreeable to the King's Order. In this I have acted agreeable to strict Honour and Justice ; and, being under his Excellency's Direction and Protection, hope it will not be imputed ungenteel in my referring you to him, in clearing up any Doubts on this Point.

I am,

With due Respect,

Your obedient humble Servant,

DENYS ROLLE.

Copy

Copy of a Letter from Denys Rolle to Governor Grant.

January 15, 1765.

S I R,

MR. Lloyd, my Agent, on his Arrival here, having informed me that there was something in the Transmission of Petitions for Land to your Secretary's Office had been esteemed improper by your Excellency; lest there might be any Thing transacted contrary to my Intention without my Knowledge, or, through any Inadvertence in myself, I might have given actual Cause, or lain my Conduct open to your just Reprehension, I take the Liberty now of acquainting you with my real Act, and express my Apology for the same.

When my Surveyor, *Fairchild*, was at *Augustine*, he, at two different Times, enquired at your Secretary's Office as to the Methods of Application for Grants of Land and Forms of Petition, and, at a third Time, I think, the Obligation of the personal Attendance of the Petitioner, whether it was to be at the Time of lodging the Petition, and a second Attendance at the Time of your Excellency's considering of the same, as the Petitioner's Distance from *Augustine* would render an Expence in the Attendance. The two former were answered by a written prescribed Form being delivered; and as to the latter your Secretary's Clerk alledged, that the Petition might be sent up, that there would be a Day appointed for the Consideration of the Petition for the Grant, and he should have Notice of it, that the Petitioners might personally attend. This seemed to be agreeable to your Proclamation, and the Terms were followed in each of the five Petitions sent from Persons at this Place, and were put under a Cover directed to your Secretary, agreeable, as I thought, to the Intimations from the Office, and what, I apprehended, was the general common Method to be pursued by all Petitioners, and sent by an Opportunity then offering of a Person here, one *Knowlands*, going to *Augustine*; which, as there was no Notice to be taken of the same till an appointed

appointed Time, wherein, if I have mistook, or, if previous sending the Petitions to the Office, which, from what your Excellency mentioned, that if two were lodged for the same Land, the first only, as appeared by the Date of the Reception, would be noticed, I thought proper to dispatch it, if in either.

My Surveyor had enquired at your Secretary's Office as to the Method of petitioning for Land, and as to the Time of the personal Attendance of the Petitioners on your Excellency. A written Form was delivered him for the Petitions, and the Attendance was distinguished to be on some future Day not yet fixed on, but of which Notice would be given to Mr. *Fairchild*, and that the Petitions might be sent into the Office at any previous Time. Your Excellency's Intimation, that the prior Applications would have the Preference, occasioned the Dispatch of the five Petitions sent from hence by an Opportunity then offering, by one *Knowlands* going to *Augustine*, and were inclosed in a Cover, directed to Mr. *Dunnet*; to whom I did not think it necessary to say any Thing, as he was apprised of the Design by the former Enquiries. This, I hope, Sir, will take off the Imputation of any designed Omission of Respect to you, being ever willing to follow your prescribed general Rules.

I am,

With great Deference,

Your Excellency's most obedient humble-Servant,

DENYS ROLLE.

Augustine,

Augustine, Jan. 16, 1765.

S I R,

YOUR Letter of the 15th Instant I have just received, concerning Petitions for Lands, sent some Time ago to Mr. *Dunnet*, under your Cover.

I have informed the People, who were settled upon St. *John's* River before my Arrival in this Province, that they should profit of the Fruits of their Labour for one Year, that Warrants of Survey should be issued as soon as possible, and that Grants should be made out to them for the Lands which they had taken Possession of, as far as was consistent with His Majesty's Instructions.

Since I came into the Province, I receive Petitions, upon *personal Application only*; and though it is not in my Power to issue Warrants of Survey (as the Land Surveyor appointed by His Majesty is not arrived) yet, upon such personal Application, I direct Petitions to be received and numbered, and I permit the Petitioners, if they chuse it, to settle upon the Lands, when I am convinced of the Probability of Cultivation.

The first Act of the Land Surveyor, after his Arrival, shall be to survey out to you twenty thousand Acres of Land, in Obedience to His Majesty's Order, which you have delivered to me, but it is not in my Power to make any Addition to that Tract of Land, in Consequence of His Majesty's Permission for an additional thousand Acres of Land to the Family Right. According to the Terms of my Proclamation, that Permission only extends to responsible Planters, who make Application to the Governor, and does not comprehend Gentlemen who have received Orders from His Majesty for Tracts of Land in this Province; to such Tracts the King only can make Additions.

From the Steps which I have taken, and from the Letters which I have received from the Superintendant of *Indian* Affairs for the Southern Department, I flatter myself, that I shall be able to have a Meeting with the head Men of the *Creek* Nation, and settle the Limits of their hunting Ground, before the Settlement of your Estate can give them

them any Offence; and therefore I am willing and anxious to have it surveyed, to avoid putting you to any unnecessary Expence by a Delay.

But, till those Limits are settled, no Warrant of Survey will be issued for any Land above *Picolata*, except for your twenty thousand Acres; and even after our Limits with the *Indians* have been ascertained, I shall be very cautious in the Choice of the People to be fixed in their Neighbourhood, as the Differences which His Majesty's Subjects have had with those Savages have always been occasioned by the Irregularities of the *American* Wood-men, I must, therefore, be very careful to guard against any Inconvenience of that Kind, as the least Appearance of a Dispute with our *Indian* Neighbours would put a total Stop to the Settlement of this infant Colony, and, of Consequence, deprive *Great Britain* of the Advantages which must arise from so valuable an Acquisition to his Majesty's Dominions.

If any Mistake happened betwixt the deputy Clerk of the Council and your Surveyor, I cannot help it; but Inconveniencies of that Kind may easily be avoided, if you will take the Trouble to write to me when you have any Business.

An Apology was not necessary for the Want of Form in the Transmission of the Petitions, I was only sorry that I could not pay Attention to them upon that Account.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, February 3, 1765.

S I R,

I HAVE been favoured with your Letter of the 29th ultimo by Mr. Greenan, who, at the same Time, delivered

delivered the Plan of a Town, and other Settlements projected by you, at the *Narrows* of St. John's River above the Fort of *Picolata*.

If you wish to extend your Plan; that, as I have already told you, can only be done by applying at Home, for it is not in my Power to make any Addition to the Tract of Land which is to be surveyed out to you in Terms of His Majesty's Order.

I cannot deviate from the Words contained in the King's Order; your Tract must therefore be contiguous, and, of Course, your extra Settlement becomes impracticable; for I cannot give Grants of Land to People who petition for them, in order to transfer their Rights to you, as the very last Orders I received at the Board of Trade were to prevent, discourage, and guard, as much as possible, against Transactions of that Kind, as that Method had been followed by People in different Provinces, to get large Tracts of Land into their Possession; of which Measures their Lordships expressed the strongest Disapprobation.

It does not appear to me, at this Distance, of what Utility a Settlement at the *Narrows* can be of to you, as you intend to have your Tract of Land surveyed out at a Place which is thirty-five Miles further up the River; and it does not just occur to me, that marking out a Town can be of any great Advantage to the Province, as there are no Inhabitants to live in it; for you will give me Leave to observe, that the People who have gone up the River to you, will only stay there as long as you chuse to feed them; for they have never been considered as a permanent People any where. I can have no Objection to your settling any body you please upon your own Estate, but I would not, upon any Account, give Land to those People in that Part of the Province, still less at the very Place where the *Indians* are likely to pass frequently, on Account of the Narrowness of the River.

As it is not in my Power to agree to your extra Settlement, I thought it right to tell you so, without waiting for your Arrival in Town; for you will see, from
what

what I have said, that I am not at Liberty to judge of the plausible Reasons which you say you have to alledge for the Measure.

You may be assured that no Applications from others shall preclude you from making Proposals about an *Indian* Store.

Mr. *Debrahm* arrived here a few Days ago. I have issued the Warrant of Survey for your twenty thousand Acres. He goes himself upon the general Survey of the Southern District, but he sends the Deputy he brought from *Georgia* to you, who, he says, is a good Surveyor, and has much Practice; at my Desire, he likewise sends Mr. *Fairchild*, which I thought would be agreeable to you.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, Feb. 4, 1765.

S I R,

YOUR Agent Mr. *Lloyd's* Name has been inserted in the Commission of the Peace for this Province, but, as I am willing to save him the Trouble of a Journey to this Place, I take the Liberty of sending you inclosed Copies of the State Oaths and Declaration, and of the Oath of a Justice of Peace for this Province.

Which you are hereby impowered to administer to him, to qualify him to act as a Justice of the Peace. You will please to make him sign the Declaration, which he is likewise to do at the Secretary's Office the first Time he comes to *St. Augustine*.

Mr.

Mr. *Way*, the deputy Surveyor has been taken ill, and, I am afraid, will not be able to attend you; but Mr. *Fairchild* will probably set out To-morrow or next Day.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

Copy of a Letter from Denys Rolle to Governor Grant.

The Narrows of St. John's River, March 18, 1765.

S I R,

I IMAGINING it to be my Duty for your necessary Information, I take the Liberty of relating some Intimations given me lately by the *Indian Philoki* respecting Mr. *Wilson*, to whom you gave a Licence for settling a Store. Having expected to have the Hire of his Boat, as offered me, to go to *Savannah*, as soon as he had settled himself, I happened to ask *Philoki*, who made me a Visit lately with his Family, whether he had been at Mr. *Wilson's* Store, at the Place called *Clement's Bluff*, as described to me he had chose. He answered me, he had not, nor knew of such Store; and further said, the *Indians* would not agree to it. This I imagined proceeded from his great Attachment to Mr. *Spalding*, whom he calls his Friend, and was known at his Store heretofore on *Scitilla*, I think, for eight Years, as I am told. I acquainted him then that Mr. *Wilson* had been at *Latchaway* to ask Leave, before he proceeded up the River, having stopped at *Picolata* for that Purpose; and that I remembered he had Leave, and that he expected *Andrew Barnet*, the *Indian* Trader, to meet him on *Ocklewaw* River as soon as he should get up thither, in order to chuse the most convenient Spot. *Philoki* answered, that none of the Heads of their Tribe were at
Latchaway,

Latchaway, being all out on the Hunt; and that he was certain they would not agree to his settling above Mr. *Spalding's* Store, but that below he might settle, and seemed desirous of my letting him know of it, to prevent Damage that might accrue. Though he spoke of that from other *Indians*, yet, his Earnestness seemed to indicate his own Mind. Afterwards, before he left me, he said he would wait on your Excellency in a few Days, to acquaint you himself of it. As I had proposed to you, Sir, the settling of a Store opposite this Place, I thought it adviseable to mention the Intention to him, if it should be agreeable to the Headmen of the Nation and your Excellency at the future Congress. He said it was quite agreeable to them all for my settling there, and establishing a Store for furnishing them with Necessaries they should want. I thought fit to relate the Whole of this Conversation, on a Point that might draw some Imputation of Misconduct or Partiality in myself; and herein must aver, that I have not let Passion or Prejudice sway me, in the least; Partiality in Favour of Mr. *Spalding*, or Mr. *Wilson*, preferring either's Interest, or of my own Proposal, losing Sight of that Point of View I had in my Plan, the Interest of the Mother Kingdom; I can only observe, that some Jealousies may arise to create Disgust of my Proposal, as, in the Absence of Mr. *Spalding*, who is gone to *Savannah*, his Interpreter came hither, two Days after *Philoki* left me, in Pursuit of him, agreeable, as he said, to general Orders left with him, when any *Indian* in Debt at their Store presumed to go to another. *Philiko's* Visit was intended as a Compliment, but, having three Skins belonging to himself and Sons, and wanting some Powder and Bullets, he proposed to barter the same. I told him I had no Store as yet, only just a Supply for the People with me; but, to oblige him, and shew the Nature of my intended future Dealings with them, I would let him have them, and I took Pains to explain every Thing to him; which gave great Satisfaction, and, I hope, will prove of general Advantage. When your Excellency mentioned you had no Objection to a Store

Store being settled through my Encouragment, I did not ask what Quantity of Land would be granted with this Store, supposing it agreeable to the Terms of Proclamation, according to the Number of his Family, which should reside and settle at such Store. One of the Petitions, sent under my Direction to the Secretary's Office, had in Consideration such Allotment of Land ; and would have been followed by a personal Application, as imagined from Mr. *Fairchild's* Information from the Office, had been the proper one required ; which leads me to the Intimation of a Report spread on this River, at the Return of one *Johnson*, who had been to wait on your Excellency to petition for Land, and Mr. *Davis*, " That no Person residing here with me should ever have any Grants of Land in this Province, and " that the Petitions sent in under my Direction, were " thrown under the Table." I take the Liberty of relating this as a Report only, without any real Foundation, or more than a Non correspondence with your Sentiments and will, to establish a thorough Settlement of the Province in some Persons, whose Station in Life should direct to a different Comportment, and which, however, it will answer their Ends I know not, but may render my Settlement more difficult, singular and trifling as it is, if continued to a second and third Adventurer, may discourage a greater Number of more important Undertakings. I am sorry to mention *Fairchild's* Name again to you ; but since you troubled yourself with speaking to him, and he came to Mr. *Greenan's* the next Day pursuant to it, and Mr. *Greenan's* Conversation the very Morning preceding my seeing him, might lead him to an Offer to adjust the Account of Monies received, and Wages due ; the Ballance of which he, supposing it against him, offered, before Mr. *Greenan*, to repay me, and fetch the Money directly. As I found a Disinclination to his standing firm to serve me the Year, as agreed, for twenty Pounds, and could not depend on a willing Mind, I disengaged him from such Bargain, on his paying me the Ballance. He went away, and returned afterwards, to say he would not pay any, and Mr.

b *Greenan,*

Greenan, the next Morning, at his intended Plantation, told me, it was quite inconsistent with his Office to attend any Service of mine ; the Contrary of which, I told him, I had heard from your Excellency — That he might go with me, attend my Orders when on my private Employment, when, as permitted by my Bargain, to enjoy the Station of Surveyor, to adhere strictly to his Oath and Directions. I took him, Sir, on Trial at first, with Intention of encouraging him further, as I found he deserved ; if capable of being an Overseer I might enlarge that Stipend of twenty Pounds a Year accordingly, which Sum I specified he might depend on ; he answered, he was satisfied. I took him when he was uncertain of that Place he now enjoys. He served me with the expected Permission to survey Lands if he could get the Post, such as were on this River, particularised, as not calling him so much out of my Service. I took him from a Place he knew he spent more than he earned, and, being in Debt, had the Sum of twenty Dollars of mine at one Time, forestalling any Wages due, in order to pay some. Mr. *Greenan* informed me, with some expressive Emphasis, that there was Money due at *Roget's* for Necessaries bought when he was at *Augustine* on my Business. He was a very few Days there on my Account all Times put together ; and when I left him to bring Cattle justly bought, there was a dark Affair I am not at Liberty to clear up, though I sent different Times about it, and Mr. *Greenan*, when here, said, could be done to my satisfaction, he prevented my Application one Day for Redress by Law, the next Morning I was abused in his own Parlour, and refused the Cattle at last.

The Bill at *Roget's* I here is large, but not chargeable by Mr. *Fairchild* on me : He knows himself where the Inconvenience arises, but I need not inform any in Town, I believe. — I wish his Diligence, &c. may meet with Approbation ; but when I consider myself abstractedly as an infant Settler, the Colony unformed, — Law, though open, peculiar Contrivances adopted to the Case, Convenience, and Indigence, even of young Colonists, not as yet substituted, — the Advice,
the

the Weight and Authority of some already established in Office, I thought might make Equity flow easily to private Individuals, and that Contracts would be preserved in Fact, though wanting some necessary Forms. In this Light I have considered a Justice of the Peace in *England*, as a fine Succedaneum to Law, or an Umpire between Equity and Rigour of the Law; and when that Office has been executed with, or rather *held* only by a Person of a peaceable, virtuous Disposition, the Blessing and Praise of his Neighbourhood out-lived him. — I beg your Pardon for this Digression (if it is so) but *American* infant Colonies have ever been distracted, either by the sinister Arts of neighbouring Colonies, or private Connexions within it's own. I was forewarned of it, — and did expect some Interruptions; the former I experienced first at *Charles Town*, the latter in the Cattle abovementioned; for, though Uncharitableness in myself to purchase at Moidore a Head, another might purchase with Justice, — my Boat lost, perhaps, through ————— I was disappointed in Affidavits feared to be made, and some others already troubling your Excellency too much about, yet, must serve for Reflexion and Advice to myself. I am now going to view some other Lands before I leave this Province, and return to *England*, and shall acquaint you with any Thing material arising therefrom.

I am,

Your Excellency's most obedient humble Servant,

DENYS ROLLE.

P. S. I omitted mentioning to his Excellency, — That Mr. *Greenan* stood by when *Fairchild* came and pleaded for him against my Bargain of twenty Pounds a Year, and said, that I could not allow him less than a Crown a Day, or he also pleaded for Rouncly on the Sale of the Cattle, though he offered and said, he could transact it, and settle it when with me at my Settlement, and now he parlied with me to have eleven or twelve

Head of Cattle instead of the fourteen for the Price stipulated of nineteen Pounds, two or three being killed or lost.

St. Augustine, March 21, 1764.

S I R,

I WAS favoured this Morning with your Letter of the 18th Instant, and am obliged to you for the Copy of the Courses, observed by *Arnuton*, upon *St. John's* River, and for the Extract upon Coffee from the Natural History of *Jamaica*; I wish that Shrub may succeed in this Province. *Wilson* and *Spalding* have both obtained Licences from me to trade with the *Indians*, but in different Places, so that they cannot interfere with one another: Each of them will have a Party amongst the *Indians*, as all *Indian* Traders have, and that Sort of party Work has sometimes occasioned Disturbances: I endeavour to guard against that Inconvenience by keeping the Traders at a Distance; but Governors of different Provinces send Traders to the same Town, which has been the Case with regard to *South-Carolina* and *Georgia* for some Years.

Both *Wilson* and *Spalding* have given Secufity to observe their Instructions. I should imagine, from your Account, that *Spalding* has not observed his Instructions; for no Trader is permitted to give Credit to *Indians*; and *Spalding's* Interpreter following *Philoki* was an Irregularity into which I shall enquire.

Indians may have favourite Traders, but they never pretended to fix the Number of them. *Philoki*, I suppose, is a Friend of *Spalding's*; he has been with me since he left you; I have given him Provifions; he is in very Good-humour, but did not pretend to mention to me any Thing about the Trade of the Nation, he has not Authority to talk upon that Subject. Your having an *Indian* Store at *Mount-Pleasant* will be quite agreeable to me whenever you chuse to apply for the Licence.

Licence. I wish it was in Power to put the whole *Indian* Trade of the *Creek* Nation into so good Hands ; but be so good as not to say any Thing about Trade or Settlement to *Indians*, for I am very cautious about talking upon those Subjects to them till the Arrival of the Superintendant, lest I should counteract any Thing which he has settled ; besides, there is a Plan for settling *Indian* Affairs under the Consideration of the Lords Commissioners for Trade and Plantations, which has not yet been determined upon by their Lordships, but I expect soon to receive their final Orders upon it ; the Heads of the Plan have already been transmitted to me.

A Licence to an *Indian* Trader does not preclude him from being a Planter, but it does not intitle him to a Tract of Land near the Store ; the Licence is annual, permanent Property upon that Account would be inconsistent.

I do not talk to a Mr. *Johnston* or a Mr. *Davis* about the Plan of Settlement of this Province : Pray do not give Attention to such idle Reports. The People at *Mount-Pleasant*, as I have told you, I can only consider as Settlers upon your Estate when you fix upon it, otherwise you may believe I should not permit them to settle upon Crown Lands without making Application to me ; for you know well, if that was not the Case, that I should be obliged to direct the Attorney General to prosecute them for a Trespass against the Crown, as they have taken Possession of Crown Lands without asking my Consent.

With Regard to Petitions for Land, I beg Leave to refer you to my Letter of the 16th of *January*. I have never thought of that Transaction since I explained it to you. *Fairchild* I really wished to attend you, as you seemed desirous to have him. I said as much to him as I could, but it would not have been decent for me to go greater Lengths. I cannot enter into private Accounts, but I am sorry that *Fairchild*, or any other Person's Conduct has given you Uneasiness.

If you have been ill used in any Bargain, the Law of *England* is in Force, the Courts of Judicature have long been formed, the Chief Justice is upon the Spot,

in his Absence an assistant Judge was appointed, the Courts were regularly formed and adjourned every Day, of which the Attorney General could have informed you. Mr. *Forbes*, the Clergyman, Mr. *Catherwood*, the Hospital Surgeon, and Mr. *Greenan*, the Register and Naval Officer, who are all known to you, are the acting Justices of the Peace in Town, and I must trust to those Gentlemen to do every Thing in their Power for the Convenience of young Colonists ; for, *peculiar Contrivances*, where Points of Law are concerned, is not in my Power to substitute, and so you will be good enough to excuse me from entering more particularly into those Matters, unless you enter a regular Complaint against a particular Person, for not executing his Office, then the Affair will properly come before me.

I wish you much Success in your intended Journey. It is to be hoped you will find such a Tract of Land as you wish for : You know the Warrant of Survey is in Force, and the Surveyor ready to attend you. I shall be glad to hear of the Discoveries you make.

And I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, April 23, 1765.

S I R,

I HAVE been favoured with your Letter of the 20th Instant, with a List of Grants made by the Governor of *Carolina*, to the Southward of the *Altamaha*. I observe, that most of those Tracts are situated in that Part of the ceded Country which has been annexed to the Province of *Georgia*, and that three only of the whole

whole Number are comprehended within the Limits of this Province ; and, till very lately, I apprehended that no Grant had been completed within this Province, in Consequence of the Warrants of Survey issued by Governor *Boone*. But, some Time ago, about a Month or so, the two Mr. *Middletons* sent their Grants to their Correspondent here, to be laid before me, with a Request to have those Grants recorded in the Register's Office. They are very responsible People, and would make good Settlers. My Answer to their Request was pretty nearly as follows : “ That this Province had
 “ been formed out of a Part of the Country ceded to
 “ His Majesty by the late definitive Treaty ; that I
 “ was the first Governor His Majesty had appointed,
 “ and that I could admit of no Grants but such as had
 “ passed under the great Seal of this Province, and
 “ that the Validity of a Deed under the great Seal of
 “ *South Carolina* must be considered, before it could be
 “ recorded in the Offices here, but that, upon personal
 “ Application to me in Council, if those Gentlemen
 “ complied with the Terms of my Proclamation, as
 “ the Lands had not already been granted by me, all
 “ Difficulties might be removed, as they should get a
 “ Grant of the Lands they claimed ; and that they
 “ might have Time to consider of it, I would not give
 “ away those Lands to any body else for three Months.”
 If Mr. *Elliot* applies to me before the Lands of *Amelia* Island are granted away, I shall give him the same Answer ; but it is the Business of Gentlemen who have obtained such Grants to inform me of it, for I am supposed to know nothing of them till Application is made to me.

I am obliged to you for your Information about the Creek, Lake, and the low Island you met with. I shall endeavour to get an exact Survey of St. *John's* River, and it's Environs, taken as soon as possible.

I wish you a good Journey and Voyage when you set out for *England*. If you do not fix upon your Tract before you leave the Province it will be necessary to leave Powers with Mr. *Lloyd*, otherwise Petitions may be presented

presented to me for the Lands which you have in View,
and I shall be under a Necessity of giving them away.
— I send you inclosed the Botanist's Opinion upon the
Spice Plant.

And am,

S I R,

Your most humble Servant,

JAMES GRANT.

Copy of a Letter from Denys Rolle to John Gordon, Esq.

The Narrows, St. John's River, April 25, 1765.

S I R,

THE Honour of your's I received ; and, respecting
your Remarks relative to the *Carolina* Grants, and
proceeding thereon, and also the Accommodation of my-
self in my own Undertaking, I beg Leave to trouble
you again, Sir, though would have endeavoured to
avoid it, if the different Circumstances attending the
same had not rendered my Settlement precarious, made
with some View of a future Reimbursement at a long
Day to my Successors in Family.

I made Application to the Government at Home, of-
fering to make an Effort to settle a Lot in the new ced-
ed Colony of *East-Florida*, in a Manner suitable to my
own Circumstances, but entirely consonant with the In-
terests of the Mother Kingdom, at a certain great pre-
sent Expence ; and this, I believe, your Excellency
knows to be previous to any other Applications. My
Attempt, at whatever Expence others may term it, and,
however pleased, through their various connected In-
terests, at any Misfortune happening to it, yet have this
Satisfaction in my own Mind, that I acted the more pru-
dent Part, in engaging fewer in the Inconveniencies con-
sequently attending such Attempts in so early Times, but
more

more particularly those Accretions from unexpected Hands. The Alteration from my setting down first near *St. Mark's*, to the minor Settlement on *St. John's River*, was justified, perhaps, from the unsettled Opinion of the *Indians*, the unprovided State of the Country on the one Hand, and [the Vicinity of *St. Augustine*, and two already settled Colonies on the other. — Whatever Interruptions or Obstructions have hitherto happened, my Sentiments are still the same, as to a strong Attachment to my Mother Country; and my Endeavours in a Settlement here, if possible to be effected, will coincide with the same. Your Sentiments of settling Part of the People I brought into the Colony on this River, your Declaration on the Delivery of his Majesty's Permission of Settlement, your Opinion of the Proposal of the *Indian Store* near this Place, your late obliging Informations as to the *Carolina Grants*, took the Liberty of drawing into a connected View, which obliges me now to apply to your Excellency for future, or, rather, certain Grounds to form my Judgment of Election of a Plot, which you express you are desirous of knowing before my going to *England*, or on my Arrival there; for my Application for a different Arrangement of the Tract for Cultivation, the present Terms might not admit of, perhaps, still possible before the Congress with the *Indians* may happen, and the Power of granting above *Picolata* answered with security.

The Precariousness of a Settlement on the West Side of the River might have rendered *Mount Royal*, thirty Miles above this, eligible rather than a West Plot opposite to this Place, surveyed by me last Year, but the present good Understanding I have with the *Indians*, which secured me from any Apprehensions on the Loss of *Chuckle* the other Day, and Mr. *Wilson* and Mr. *Spalding* being both discomfited since their strong Inclination to my being settled at this Part of the River, which makes the opposite Side eligible, as this Side can only be a Residence for Health, not a profitable one in Futurity, to answer present Expences, I may presume to take the Liberty to request your explicate Opinion, as to Right of Pretension in myself of such Spot, should

should the *Carolina* Grant be invalid; or should it be valid of Admission to the sole Property of a Ferryage, the *Indians* passing free, and a Store for the *Indians* on that Side, as proposed to you, Sir, and approved of, and, I think, esteemed improper on this inhabited Side, and whether two other eligible Spots I have in View, may be permitted to wait ungranted till a different Arrangement you have intimated not within the Limits of the Commission, may be yet thought proper by their Lordships of Trade to recommend to his Majesty, to facilitate the expensive Attempt, though, I hope, not illaudable, of,

S I R,

Your Excellency's most obedient humble Servant,

DENYS ROLLE.

Augustine, April 26, 1765.

S I R,

YOUR Letter of the 25th Instant I have just received. Wherever you fix your Settlement it is to be hoped it will be attended with Advantage to you and your Successors in Family. It certainly is my Duty and Inclination to facilitate and contribute, as much as is in my Power, to the Success of such an Undertaking; and I should have a very bad Opinion indeed of any body who was pleased at a Disappointment or Misfortunes happening to you in the Execution of a Plan for settling twenty thousand Acres in this infant Colony, I would willingly flatter myself that there are no such Inhabitants in it.

You are best Judge what Reasons you had to alter your first Intention of Settling at St. *Mark's*, you never gave me any, and therefore I cannot pretend to form an Opinion upon the Subject. You have a Right, according

cording to the Terms of his Majesty's Order in Council, to take up twenty thousand Acres in any Part of the Province you please; and, in Obedience to that Order, which you delivered to me in *September* last, a Warrant of Survey was issued, a Deputy Surveyor was sent to attend you in the Beginning of *February*, a few Days after the Surveyor General arrived in the Province. I had no Objection to your taking longer Time to look at the Country, when I found that you chose to defer having your Tract surveyed, and, if I express a Desire that you should fix upon the Locality of your Estate before you go to *England*, or that you should leave a Power to your Agent to do it in your Absence, it is only to prevent my being under the disagreeable Necessity of granting away upon Petitions from others the very Land, which you may have in View.

I am glad you was under no Apprehensions upon the supposed Loss of *Chuckle*. I endeavoured to prevent any bad Consequences from our Neighbours, by sending a Talk to the Headmen at *Lachaway*; but my Fears about *Chuckle* were luckily ill founded, for that drunken *Indian* is alive and well.

I expect the Superintendant every Day, and it is to be hoped the *Indian* Congress will soon take Place, and that proper Limits will then be settled. If I was under the least Apprehension of giving them Offence, by surveying your Tract, I should certainly beg Leave to postpone it till after the general Meeting with them was over; but you are already fixed, with some of your Settlers, above *Picolata*, and their being upon Crown Lands, or upon such Lands as shall become your Property, is quite a Matter of Indifference to the *Indians*, and therefore, as I have said before, I have not the least Objection to ordering your Land to be run out whenever you please.

If you proposed fixing upon the very Spot of Land which has been granted by the Governor of *South-Carolina* to Mr. *Middleton*, you should have told me so, for it was impossible for me to suppose that to be your Intention, as a Part of that Tract entered into your Plan for an extra Settlement, which I told you long ago,
I could

I could not possibly comply with ; but if you had applied to me to order those Lands to be surveyed out to you, in Terms of His Majesty's Order in Council, prior to the *Carolina* Grant being laid before me, my Answer to Mr. *Middleton's* Agent would have been different ; but I cannot recall what I have said.

A Place will be reserved for a Fort upon the Narrows of the River St. *John*, in order to command that Pass, and, if the Ferry was to be granted to any body, I should give it to you with Pleasure, but all Ferries will be reserved to His Majesty : No Revenue will arise from them for some Years, but in Time they will be an Addition to the Quit Rents. A Lease will be given of the Ferry at the Narrows, for which you shall have the Preference. Proposals have already been made to me for the *Low Ford* by different People : The Property of that Ferry I have always refused to give. As to keeping an *Indian* Store, I have already said that I could wish all the Trade with the *Creek* Nation was in so good Hands, and that you may have a Licence whenever you chuse to apply for it ; but, if the Land opposite to the Place where you are at present fixed for a Time, becomes the Property of another Person, it surely will be impossible for me to empower you to establish a Store upon another Man's Estate ; but, supposing the Land was your's, the Moment Inhabitants were fixed upon it, the Store, of Course, would be removed to another Place ; for no *Indian* Store is ever permitted in an inhabited Country.

Now, Sir, in Answer to your Request, to keep *two other eligible Spots* ungranted, I must beg Leave to observe to you, that you brought the King's Order in Council in your Pocket from *England*, you therefore was sufficiently informed with the Terms upon which the Land was to be granted to you before you left *London* ; and, if you had any Objection to make to any of the Conditions contained in the King's Order, that was the proper Time to apply for an Alteration being made in those Conditions. When you came into this Province above seven Months ago, a single Acre of Land had not been granted (the three *Carolina* Grants of four thousand

sand

land six hundred Acres were not known) you therefore have had a long Time to look at the Country, and have had it in your Power to make Choice of any Tract you pleased in the Province, without Exception; so that no future Grantee can ever come into it with the same Advantage with Regard to Locality ; and, upon the Whole, you must excuse me for not complying with your Request, as I should be very blameable if I presumed to postpone granting away Land when Letters offer upon a Supposition that the Conditions of His Majesty's Order in Council, granted to you in *May* 1764, upon a Representation from the Lords Commissioners for Trade and Plantations, may be altered upon your Return to *England*.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, May 7, 1765.

S I R,

I THINK it right to inform you, that Mr. *Kinlough* and Captain *Moultrie*, two very considerable Planters in *Carolina*, have come into this Province, to petition for Land, and to fix upon the Locality of such Plantations, as they intend to settle and cultivate immediately after Limits are settled with the *Indians* ; for till then I have told them, that I will not issue Warrants of Survey for any Lands above *Picolata* ; but I have agreed to their carrying one of the Deputy Surveyors with them, and have assured them, that such Tracts as they shall fix upon for themselves, and for the other *Carolina* Gentlemen, who have empowered them to act for them, shall be reserved, and not granted away to any other Person, till they and their Friends come into the Province,

vince, to establish their several Settlements, which they are to do in Autumn, as soon as I inform them that the *Indian Congress* is over.

Now, Sir, it becomes necessary, for your own Sake, to fix upon your Tract of Land, because I cannot keep the Province open upon your Account; in Consequence of His Majesty's Order in Council, you are intitled to Preference, if you chuse to fix and apply for your Tract of twenty thousand Acres, to be surveyed out to you; but now is the Time; for if those *Carolina* Gentlemen fix upon their Spots, and if their Application to me in Council is prior to any Application of your's, then they will have the preferable Right, and I cannot afterwards receive any Application from you for Lands which they may have a Promise for, when it shall appear to me to be safe to grant them away; and you may be assured that those Gentlemen will fix upon several Spots before they return to this Place from *St. John's River*.

As I have always expressed a Desire to accommodate you to your Satisfaction, as far as in my Power, I thought it expedient to put you upon your Guard.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

P. S. Since writing my Letter, I have received an Express from *St. Mark's*, I send you inclosed a Letter which came under my Cover, with an Extract from Lieutenant *Pompillone's* Letter to me. I am sorry your Vessel has been so unlucky, but it is hoped the poor People have not suffered, as the Brig has got into *Pensacola*.

Copy

Copy of a Letter from Denys Rolle to Governor Grant,
on Denys Rolle's going to England in May.

[It means of the 26th of April.]

S I R,

THE Honour of your's I received, in which you intimate the prior Petition of Colonel *Middleton*, by an *Agent*, as precluding me of any Success in making Election of the Land, opposite this Place for my two thousand Acres; and that your Answer to Colonel *Middleton*, through his *Agent*, had you known my Intention previous, would have been different.

I had all along made a just Estimation of laying my Permission of Settlement from his Majesty before your Excellency, prior to the Petition of any other Person. — My more immediate Fixture of my Choice, I considered not as frustrating any Attempts of others to settle, as you, Sir, had acquainted me that to myself alone you would grant any Land above *Picolatia*; and that the Petitions of others above that Fort, you declined Acceptance of, till after the *Indian Treaty*. In this View of Matters, I concluded I had the full Time before such Treaty, to view and chuse my twenty thousand Acres, without loosing that which you justly esteem a singular Advantage to me, the Opportunity of Pre-election. — My Application was with his Majesty's Permit, *personal to yourself*, as your Proclamation directs, and this Land, the only Land surveyed regularly by my Surveyor before I was deprived of him, all prior to Colonel *Middleton's Application* by *Proxy*. When I had thoughts of altering my Plan, and encouraging a Person in settling an *Indian Store* opposite to this Place, the *Petition* transmitted for a Part of that Land, was prior also; I imagined, deficient only in the Form of personal Application, through the wrong Information at your Secretary's Office, given to *Fairchild*, then my Surveyor. That a personal Application, not with the
Petition,

Petition, but on a future Day appointed for Consideration of Grants, would alone be required. A Question ordered to be asked by myself, in hopes it corresponded with your general View of settling this Province, the enhancing the Expence of petitioning, by Attendance from a great Distance to all in general ; (some of which must be poor and incapacitated) as little as possible. In this case, and the Necessity of a Return to England, deprives me of the Power of waiting personally on your Excellency, which you have been so good as to excuse, lest that same Land may be granted to Colonel *Middleton*, in *Preference* to myself ; and any other Person hearing I viewed such and such Land, may make Application for a small Slip of it, in the middle Part, perhaps, of it. It shall be esteemed *prior*, to the utter depriving me of Land agreeable in Contiguity, as required by his Majesty's permit. If I am to have no other Election but a second after Colonel *Middleton*, then, Sir, I must make Choice of a Piece of Land disposed in a Neck on this Side of the River, as Colonel *Middleton's* is so formed on the other, which is altogether Swamp, by a prudent Line of Direction ; though, if I had included it in mine, should have mixed much Pine-Barren ; and, according to one Plan, should have paid for near two thousand Acres of Water in my Quit-Rent. I thought it not quite a dishonourable Proposal to make to you, Sir, not an Injury to other Settlers, or the Interest of the Province, when your Excellency has determined how to dispose of me in that Point of Choice, if you please to permit a Surveyor to come hither, any except *Fairchild*, whom, if he had continued partially in my Service, I had proposed objecting to for Reasons too obvious to mention to a Person of Honour. In my Absence, Mr. *Lloyd*, my Agent, will shew the rough imperfect Plans, run by myself, through the Necessity some compelled me to, for his more easy comprehension how to run out the Plot agreeable to the Instructions he has, or may have given him. In my Conversation with the *Cowkeeper*, on my first coming here, he had expressed his Fears

on Reports of Castles being built throughout this River, and particularly that I was going to build one at this Place; to which I answered, that I had no such Design, and only, with their Liberty (meaning the *Indians*) to plant the Land; and that I believed it was not the Intention of Government, and that it was a false Report; he then said he believed it was, and that I told him Truth, which I am sorry to have expressed different from your Excellency's Intention. Whenever it is executed, if my Plantations interfere, shall readily retire without the Distance of the Sight of a white Horse at the Morning Gun, that a clear Gun-Shot View of the Enemy may be had without Interruption, and pitch on a Spot more agreeable, where the River Passage is equally or less Narrow than here, and the baleful Influence may less Prejudice the different Products of the Plantation. Where the old Fort was, here the River is a Furlong over only; so that Part of the Colonel's Rice Swamp will be within that Jurisdiction; but Rice will scarce cover an Enemy. In my Passage of the River lately, I observed a Place, nine Miles distance from this Place, a little above Mr. *Spalding's* Store, seemed to be but a Stone's Throw over, low Land on both Sides; besides these there are none on this Side the *Great Lake*. The *Indians* have Reports among them of the *Mortar King* being lately killed by two white Slaves he had from the *Cherokees*. I shall set out immediately for *Georgia* in Mr. *Spalding's* Boat, and leave Mr. *Lloyd* in Direction of my Affairs here, in my Absence, who will receive your Orders at all Times and act agreeable.

I am,

Your Excellency's most obedient humble Servant,

DENYS ROLLE.

P. S. The great Stream I mentioned to come from the North, and falls into *Dunn's Lake*, at the South End of it, the *Indians* tell me, makes a narrow Neck of Land with the *Muskatoe* River.

c

St. Augustine,

St. Augustine, June 15, 1765

S I R,

YOUR Letter of the 6th Instant, I have been favoured with, but I do not know at this Hour by whom it was brought, and whoever that Person was, he never called for an Answer, which is the Reason of your not receiving the inclosed Note sooner, which was made out by Mr. *De Brahm* the very Day your Letter came to my Hands.

Your Letter of the 13th, I received last Night, by Mr. *Funk*, who proposes to set out for your Settlement, this Evening. It is impossible that your Request for a Licence to Trade with *Indians*, can interfere with the other Traders, they are but five in Number, and it is easy to avoid the Spots, where their Store-Houses are fixed, *Burgefs* the Express has a Licence for the Town of *Puckanawhitla*, he was desirous to have another Town included in his Licence, which I refused, because it was at a greater Distance from *Puckanawhitla*, and by no Means because it interfered with Mr. *Wilson*, who had nothing to do with it, *M'Alley*, who came with *Burgefs* the last Time, likewise wished to have two Towns included in his Licences, which I also refused, as I shall never give the same Trader Permission, to Trade with two Towns, I am much of your Opinion, that Rum is hurtful, it is to be hoped Means will be fallen upon to put a Stop to that very detrimental, and, I may say, iniquitous Branch of the *Indian Trade*; those have always been my Sentiments, and when Mr. *Stuart* arrives, new Regulations shall be made about it, but, till he comes, I do not chuse to make any Innovations, for Fear of counteracting what he may have settled; but be assured I have what you point out with regard to Rum, very strongly at heart. I am concerned and shocked at the Murder, which has been committed by a *Neatahowky*, but Acts of Cruelty will now and then happen in an *Indian Country*, and when the King's Subjects are not concerned, no Notice

tice is taken of it: they are their own Masters, and will settle their Differences in their own Way: You have had a fatiguing Journey, but I am glad to find that in every other Respect it has been amusing and agreeable to you; and am much obliged to you for your Description of the Country.

Mr. *Funk* has shewn me a Sketch of a Part of St. *John's* River, and has pointed out to me, the Way you wish to have your Tract run out. I should be glad to accommodate you, but it is not in my Power to deviate from the King's Orders, and the Deputy Surveyor can only run out Land, according to his Instructions from the Surveyor-General, which are formed from my Instructions to him, which are made out from my Instructions from Home. You took Notice, in a former Letter, of the Line of Direction observed in Mr. *Middleton's* Tract, from a Sketch which I have seen with Mr. *Funk*, it appears to me to be most exceedingly irregular.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, July 8, 1764.

S I R,

THE People who bring your Letters either do not return, or they neglect calling at my House, which is the Reason of your not receiving Answers to your two last Letters. That of the 6th Instant I was favoured with last Night, and the Master of your Schooner tells me he returns To-morrow.

c 2

I have

I have been so long acquainted with *Indians* and their Traders, that I do not easily give Credit to Reports, which are often industriously spread by them, from private Views of Interest. The Murder of *Simpson*, which you mention, may be true ; *Spalding* likewise writes me what he has heard of it, but I have yet received no certain Information about it, and, till the Fact is ascertained, if the Murder was supposed to have been committed in the Government, I could not take Notice of it ; but as the Case stands, if the Report of the Murder is founded, it will fall under the Consideration of the Governor of *West-Florida* and the Superintendant. My sending to *Latchawa* could have answered no End, but to make them believe, that I considered them as Parties in a Thing with which they have not the most distant Connexion. Pray do not pay the least Attention to the Reports from *Latchawa* about your Settlement ; those *Indians*, as I have already told you, have no Vote, and are not even allowed to assist at the Councils of their Nation : I shall not thank the *Indians* for the Country to the Eastward of St. *John's* ; I do not give Grants above *Picolata*, because I chuse to bring our Neighbours together in good Humour ; be as civil to them as you please, but say nothing about Settlements.

I am glad to find that your expected Settlers are arrived in good Health, after so long and tedious a Voyage. I should have a bad Opinion of any Planter who endeavoured to seduce them from you, but if they are not indented, be assured that they will only stay with you as long as they find it their Interest to do so ; I told you so when you first came into this Province, upon your complaining of what had happened at *Charles-Town*, with Regard to the Cabinet-Maker, and his Family ; and the Attorney General, who I sent for upon receiving your Letter, tells me, that he has already given you his Opinion upon it, and that you can have no Security for your Settlers, but by an Agreement made with themselves, and, if it has been omitted in *England*, you should endeavour to get it done without

Loss

Loss of Time ; for they will soon find out, that a Man, with but a little Industry, can contrive to make a Dollar a Day, at this Hour I pay a Dollar and a Half to a Carpenter ; those Settlers, though brought out at your Expence, if they are not indented, are free People upon their landing ; and the Attorney General says, there is no Law in *England*, or in any one Colony in *America*, by which they can be obliged to live with you, or settle upon your Estate.

No Court of Judicature has any Thing to do with the Arrival of your Settlers: The Master of the Schooner, at any Rate, is not the proper Person to give an Affidavit about them. If you wish to be provided with proper Materials to ascertain the Arrival of your Settlers in this Province, in case your Compliance with the Terms of the Grant to be made out, in Obedience to His Majesty Order in Council, should hereafter be disputed, the Attorney General says, that either you, or your Agent, should make Oath before a Justice of the Peace, that such a Number of People arrived, at such a Time, in the Province of *East-Florida*, and were brought into the Province at your Expence, in order to settle upon your Estate, and that you, or your Agent, should get a Certificate to that Purpose from the Justice of the Peace ; but those are Points of Law with which I have really nothing to do.

If Mr. *Funk* has finished his Survey according to his Instructions, either you or Mr. *Lloyd* with proper Powers from you, should come into Town, and take out your Grant.

I am,

S I R,

Your most obedient and most humble Servant,

JAMES GRANT.

Copy of a Letter from Denys Rolle to Governor Grant.

The Narrows of St. John's River, July 26, 1765.

S I R,

THE Design of my troubling your Excellency at this Time, had been entirely relating to the Plan of this Plot of Land, now laid before you, by Mr. *Funk*, the Deputy Surveyor, but am interrupted in it by further Occasion for complaint of a Disturbance given me in my Settlement, which I must first give you a Detail of, though I am afraid, this may be said to be harping on old Strings, — such Detail to be expected as tedious as frivolous. — The Circumstances however, now before my Eyes, are so strong and glaring, if not visionary, will not lose all their Force, I trust in my weak Relation of them to you Sir, and may convey some imperfect Idea of the Inconveniencies attending infant Settlements.

In a former Letter, I endeavoured to remove any bad Opinion which might be formed of the *Indians*, from Reports of my being shot twice at in a Boat lately below *Picolata*, by relating the Surmises of others, that it proceeded from a rifled barreled Gun, very improbably in *Indians'* Hands, but belonging to certain white People, which may now, perhaps, should be cleared up, for the future Security of Peaceable Travellers or Settlers.

The new Accretion to this Settlement, gave Occasion probably to the Migration of certain Persons of Leisure lately to visit this Spot, among which was Mr. *Piles* of St. *Augustine*, Mr. *John Davis*, Deputy Surveyor, and their Attendants, *Joseph Upton* formerly Hunter to me, at three Pounds *per* Month, and then, at the same Time, supplier of *Augustine* Market with Venison, at my Expence, with his Accomitants, many others of equal Business in Life. Mr. *Davis* I entertained in Return for my Reception, I believe, should have met with from his Father if he had been at Home when lately down the River, at his Plantation, — Mr. *Piles*, I also received, though a Letter heretofore to my

Servant

Servant on my Account (as a Representation I now make to His Majesty's Justices of Peace, shews the purport of, required no such Civility on my Part, — he came to offer me the Sale of his Cattle, conversed with him on that Subject, but without Effect, as the Price was raised too high, but scarce was this Civility received, but he went out from me, and immediately endeavoured to seduce and inveigle away my new Settlers, imported at no small Expence, for the Benefit, I may say, of the Province; I immediately called Mr. *Piles*, and explained to him his inhospitable Behaviour, which he seemed to deny, but was afterwards acquainted he owned, and insisted on his leaving this Place immediately. — Previous to this, Mr. *Davis*, as intimated by himself and another Person told me, had received a Denial of a generous Reception, by another Family residing here, which he would otherwise have met with, had he not come accompanied so improperly, and which, he then told me, he would not have done, as he saw it had done him a Disservice; and though he came intending to go to *Latchawa* to *Andrew Barnet* on Business, yet, as a Report prevailed that he was concerned with *Piles* to seize on *Barnet's* Person, would prevent his going, and he sent one *Tyrrel*, that came with him to *Latchawa*, to buy a Horse, or to exchange a Gun for one. This Circumstance, and Captain *Hopkins*, who brought up my Settlers from *Savannah*, and was to have carried some Skins for me back thither, but made some Scruple of as touching his Friendship in *Augustine*, sending a Letter thither, on his going away, not with the best Grace. — My sending a Message to the *Cowkeeper* lately, at *Latchawa*, and expecting *Barnet* with the Return of the Messenger, which might have transpired; these, with what followed after, leaves some Suspicion of this being pitched on for a kidnapping Place. — But this Surmise did not escape me, and nothing but Civilities passed, unless except a Refusal of a Bottle of Rum to the Deputy Surveyor, who wanted it, in order to proceed up the River to Mr. *Spalding's* Store, with Mr. *Funk*, in order to complete the Plan of the River, for the Government's Use, which shall always respect, and

should not have been obstructed here, by the Want of Gallons of recruiting Spirits, had I been as certain it would not have been drank out before Departure, with it's accommitant Bottle of other's Store, to the Disturbance of the Peace of the Place, as Experience teaches me. — Unluckily, by this Refusal undesigned, the Government's Business entirely dropped, as Mr. *Funk* can testify, and a Party of Pleasure with the Hunter, *Upton*, took Place down the River, for a Day or two, and, on Return, spent a Day or two here with him on his Rum, as he had some Gallons just arrived from *Augustine* : — A Friendship thus founded, equally as dangerous and illusive to the Deputy Surveyor, as he found and experienced before, as mentioned; he undertook to write a Letter for *Upton*, he not being able to write to Mr. *Lloyd*, my Agent, demanding ample Satisfaction, as the highest Injury could deserves, for the Use of his Horses, which, I believe, I mentioned to you, Sir, as being left here with no good View, ever since he was in my Service. This Demand, couched in Law-threatening Terms, without any, the least previous Charge or Application for any Thing, though he had made an Offer for hunting for me, excited me to return the Letter by the Bearer (who said it was writ by Mr. *Davis*, the Deputy Surveyor) with a Message that I have a Charge against the said Horses, for a constant Trespass on the Land I was permitted to make choice of by his Majesty's Order; the breaking into my Inclosures for Corn, and that the Inditer of the Letter I should take for the Adviser, and I did not admit of any Lawyers, at this Settlement, to the Ruin and Discouragement of the Settlers, and should inform your Excellency of this Deviation from the Commission he bore.

Next comes the Coup D'Clat of the *New Hannover* Law, by the Assistance of eight Gallons of Rum, for even that law requires some Fuel for Execution; two Negroes, sawing for me at a very small Distance off, came in, and informed me, that *Upton* had Shot one of my Cows in their Sight, and that *Upton* told them or one of them, that he might tell me, that he would shoot all my Cows, Horses, &c. wherever he found them,

them, and that I might send Wolves or *Indians* after him, he cared not for any. — On immediate Enquiry was informed, that he set out in a Boat, with one Mr. *Briant*, who lives here for a Hunt on *Dunn's Creek* and *Lake*. — Mr. *Lloyd* examined one *Jacob*, a Man who attends *Upton* when here, and brought the Rum this Week for him, and finds his Orders to him was to drive his Horses up to a Bay Gall, as driving them from my Range, which Bay Gall or Swamp, in Mr. *Funk's* Plan, lies near *Dunn's Lake*, appointed him to come thither, that Day se'ennight, to meet him, when he should restore from his Hunt, he said, also, he was bound to Mr. *Roget*, for *Upton*, for thirty-seven Dollars. On answering fair and direct, and appearing no Way concerned, and others' saying he was a harmless Person, he was not detained in Custody, but ordered to let the Horses alone, and proceed back to *Augustine* on his own Business, and not come hither again; thus far appears what further is intended, lest his Gun might deprive any one, I might send after him last Night, of his Life, when he would be on his Guard; for Mr. *Davis* tells me he himself will engage not to miss the Mark of a Man across the River at this Place, which is a Furlong wide. Such Danger attends the Use of these rifle-barrel Guns, not permitted to the *Indians*, and as they are so good Hunters with the common Trading Pieces, perhaps to be esteemed useless, as well as dangerous to the Community, for even the white Inhabitants to have them.

Such an Opinion against the Use of more destructive Weapons, seemed to be general on the Attempt on *Dieppe*, in King *William's* Time, by the Contrivance of the infernal Machine, though the Law of Retaliation, for the burning of the *Palatinate*, allowed or pleaded a Prescription.

I must now reflect on this Occasion, on the Loss of a Life, in this Province, if one *Goodby*, Brother-in-Law to *Davis*, supposed to be killed a Week or two since, by Virtue of the *New Hannover* Law, aforementioned, and likewise that *Lewis*, one of the Company with *Upton*, at the Time I was shot at on the River, said it was not him that shot, he having then no Gun,
but

but it was another Person in Company with *Upton*; but there were two Shot fired at us, at two different Places, some Distance a Part; I told *Davis*, the Surveyor, of this, that it was supposed to have been fired at him, and did not take it as to myself, whom they did not know of being in that Part of the River. As *Davis* is in *Augustine*, a close Examination of him, as also, the young Men *James Briant* and *William Bennet*, also in Town. The latter, as to the Fact, he being with me, and all as to what came out in Conversation at this Place, relative to the Confession of it, may prove, so far as to convict of a high Crime. If this Negroe Evidence, as to the Cow, will not be accepted, as a Proof of such Fact, such Threatening; he was seen also, just after the Gun went off, by *Langley Briant*, to be looking at a Tree, as if he had shot at a Mark, and grazed the Tree; and suppose it was behind a Tree, when he shot, as *Briant* did not then see him, the Cattle he saw just after, and they looked frightened, and the Cow came after to the Pen, and proved shot in the Shoulder, but not dead. I shall proceed no farther to request on this Head, but must leave the Whole to your better Judgment.

The Plan, with the Observations laid before your Excellency, by Mr. *Funk*, I doubt not, will convince you of Difficulties I am under, of running the Boundaries of my twenty thousand Acres, consistent with what your Excellency has mentioned, are the Rules prescribed at the same Time, considering the Orders I have to settle two hundred Persons on my Grant, at a great Expence; whose Conveniency I must consult and esteem an Equivalent for them, with single Settlers, to be the just Due designed them by Government at Home, though, in this Situation, could not be obtained further, without a proper Representation at Home, which I will beg Leave to do, with all Dispatch, at the Return of the Ship my Settlers came in, which will be immediately; the Shortness of which Time, I hope, will plead excuse for my not taking Leave of your Excellency in Person, as, I believe also, the Conveniency

venience of Horses is also precluded me by the Hunter, as I cannot hear of them after a long Search for two Days, which obliges me to dispatch this on Foot.

St. Augustine, July 29, 1765.

S I R,

I WAS this Day with his Excellency the Governor, and also with Mr. *De Brahm*, and shewed them the Plan, but they told me they can do nothing. Mr. *De Brahm* told me I may cross the *Great Creek*, of which I have sent you a Plan, No. 1, also were that runs back, marked No. 2, which are the only two Ways that can be laid out to have your Town in your Survey. He tells me you may have also your Land laid out on the *Great Creek*, or *Dunn's Creek*, and make the River your Front, and the Creek your Side-Line, and run the other Side-line parallel with the Creek, but either of them will exclude your Town: His Excellency the Governor, and Mr. *De Brahm*, told me also, that you must have your Warrant renewed, before you can have your Land surveyed, which his Excellency will do as soon as you, or your Agents, apply to him for it.

S I R,

I am,

Your most humble Servant,

JAMES FUNK.

Augustine,

St. Augustine, July 30, 1765.

S I R,

MR. *Funk*, the Deputy Surveyor, was sent, at your Desire in the Beginning of May to survey your Tract of Land, he returned a few Days ago, and I find nothing has been done in the Business which he was sent upon; he has laid before me a Sketch of a Part of the the River St. *John's*, and Mr. *De Brahm*, the Surveyor General, and I, have considered the Situation of that Part of the Country, where you have thought proper to fix yourself for a Time; Mr. *De Brahm* has pointed out in what Manner your Tract may be run out, Plans of which Mr. *Funk* has Directions to transmit to you, no other Method can be followed without deviating from His Majesty's Instructions, if any of the Plans sent to you should be agreeable, you must either come yourself, or impower some Person in Town, to apply to me in Council, for a new Warrant of Survey, that of February 2d being no longer in Force.

The Woodsmen, all over *America*, are extremely irregular, that is the Case even in the best established Provinces, it is to be hoped Time, and good Example, will bring them into better Order. Mr. *Piles* declares he had no Intention to inveigle away your Settlers, but you had better trust to proper Agreements, than the good Intentions of your Neighbours, but surely I can add nothing to the Attorney General's Opinion, which I have already sent you, upon the Subject. You have been misinformed about Mr. *Goodby*, he is alive and well at his own House.

Mr. *Davis* is not a Deputy Surveyor of this Province, though he has been employed by Mr. *De Brahm* in the general Survey; as he was in Town when I received your Letter, I sent for him, he says he did not mean to give you Offence, by writing the Note for *Upton*,
declares

declares he only did it, because *Upton* could not write himself, and because he was not permitted to speak either to you or Mr. *Lloyd*, and insists that the Note was a submissive Request.

As to the Rest of your Letter, I must beg Leave to refer you to the Chief Justice, assistant Judges, or Justices of the Peace, for it is quite inconsistent for me to enter into any Gentleman's private Transactions, and surely I need not tell you, that if any Man kills my Cattle, or if his Horses break into my Inclosures, I have no Remedy but a Prosecution, according to the Law of *England*, by which His Majesty has been pleased to direct this Province to be governed.

I am,

S I R,

Your most humble Servant,

JAMES GRANT.

St. Augustine, July 31, 1765.

S I R,

THIS Morning Mr. *Skinner*, the Sheriff of this Province, applied to me, in Consequence of your Note to him, concerning the Payment of certain Persons employed by you, in apprehending and sending to Goal one *Upton*, charged, as it is said, with killing a Cow, the property of *Denys Rolle Esq*; what I said to him upon this Occasion I shall now repeat to you, as it may serve for your future government in Cases of the like Nature.

In

In the first Place, then, I must observe to you, Sir, that I apprehend it is the indispensable Duty of every Constable, not only to be active and vigilant in the Execution of any Warrant wherewith he may be charged, but, upon Caption of the Offender, him safely to Convey to the Common Goal, if the Nature of the Case require it. — This Duty they are obliged to take upon themselves in Rotation, and it is equally for their own Benefit and Security, as of others of the Community, but there is no Fund in this Province, nor did I ever hear there was in any of the Colonies, or else where for such Services; It is true that in *Georgia* it has happened that where a notorious Offender has long infested the Country, and become a public Nuisance, and a Constable has used extraordinary Endeavours, and had been himself at a considerable Expence in taking him, in that Case, upon laying his Accounts before the General Assembly, they have thought proper some Times to make him an Allowance, but this was never looked upon, or did it ever establish a Right in any Constable to demand or insist on it. — In the present Case, I can by no Means see the Necessity there was in employing four or five People to bring one Man to Goal, where any one of them, whose Duty it actually was, would have been sufficient. Therefore, Sir, I conceive no Pay or Allowance can, or ought, in this Case, to be made from the Public.

With Respect to the Commitment itself, it appears to me extremely improper, as you have therein made use of some aggravating Circumstances or Expressions, made use of by the Party in Conversation, very foreign to the Matter in Hand, and which should, by no Means, have been introduced in your Commitment, at the same Time, you have omitted mentioning upon what Proof, Evidence, or Information, you did commit him, or whether any, which is equally irregular.

I must now, Sir, desire you will, without delay, send me down the Affidavits taken upon this Occasion, together with the Recognizance, as well of the Party prosecuting,

prosecuting, as of those you have bound over to Appear and give Evidence, at the next General Sessions, that I may proceed thereon accordingly, and the Delinquent have Time to collect any Evidence he may have, and prepare for his Trial.

I am,

S I R,

Your most humble Servant,

JAMES BOX.

F I N I S.

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